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TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1061(52)-1, Supp. 5]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART—1952

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1952 National Agricultural Conservation Program, issued August 31, 1951 (16 F. R. 9006), as amended September 25, 1951 (16 F. R. 9859), December 3, 1951 (16 F. R. 12306), February 28, 1952 (17 F. R. 1931), and March 7, 1952 (17 F. R. 2110), is further amended as follows:

1. Section 701.339 is amended by adding item (4) under "Maximum assistance," as follows:

§ 701.339 *Practice B-8: Controlling perennial weeds as a necessary step in soil or water conservation.* * * *

Maximum assistance. * * *

(4) 50 percent of the average cost of other State committee approved methods of control.

2. Section 701.365 is amended by adding the following at the end of the present wording:

§ 701.365 *Practice F-2: Improving a stand of forest trees.* * * * Assistance may be given for the release of desirable forest tree seedlings by removing or killing competing and undesirable vegetation in areas where the representatives of the Forest Service determine that such measures are necessary to provide effective forest stand improvement. The area thus released must be protected from fire and grazing.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 31st day of March 1952.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52-3819; Filed, Apr. 2, 1952; 8:52 a. m.]

[1061 (P. R. 52)-1, Supp. 2]

PART 702—AGRICULTURAL CONSERVATION PROGRAM; PUERTO RICO

SUBPART—1952

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1952 Agricultural Conservation Program; Puerto Rico, issued August 31, 1951 (16 F. R. 9017), as amended December 3, 1951 (16 F. R. 12306), is further amended as follows:

1. Section 702.203 is amended by changing the figure "$809,000" in the first sentence to "$822,000."

2. Section 702.214 is amended by revising "Maximum assistance" to read as follows:

§ 702.214 *Practice 4: Applying to coffee trees, fertilizer of grades containing not less than 10 units of available nitrogen (N) and not less than 10 units of available phosphate (P_2O_5).* * * *

Maximum assistance. The lesser of $35 or 80 percent of the fair price per ton for the grade of fertilizer used, as determined by the PMA State Office.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 31st day of March 1952.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52-3818; Filed, Apr. 2, 1952; 8:51 a. m.]

[1061 (V. I. 52)-1, Supp. 3]

PART 703—AGRICULTURAL CONSERVATION PROGRAM; VIRGIN ISLANDS

SUBPART—1952

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1952 Agricultural Conservation Program; Virgin Islands, issued August 31, 1951 (16 F. R. 9023), as amended De-

(Continued on p. 2887)

CONTENTS

FEDERAL REGISTER

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CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

cember 3, 1951 (16 F. R. 12307), and January 7, 1952 (17 F. R. 268), is further amended as follows:

1. Section 703.117 (Practice 7) is amended by deleting the sentence immediately preceding "Maximum assistance," which reads "Assistance will be limited to farms on which not more than 20 acres are being cleared under the program."

2. Section 703.120 (Practice 10) is amended by deleting the sentence immediately preceding "Maximum assistance," which reads "No payment will be made for this practice if payment is made by the Virgin Islands Corporation."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 31st day of March 1952.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52-3826; Filed, Apr. 2, 1952; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 2, Amdt. 3]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PERFORMANCE DATA

The purpose of this amendment is to correct two typographical errors in the landing limitations table published for Douglas RB–18A aircraft. In the interest of safety the amendment should be made effective without delay. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and therefore is not required.

Section 42.80–5, Table 3 (b) published on January 10, 1950 in 15 F. R. 93 is amended by substituting "4,750" for "3,750" and by substituting "4,865" for "3,865".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 42 Stat. 1007, 1010; 49 U. S. C. 551, 554)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE, *Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 52-3742; Filed, Apr. 2, 1952; 8:45 a. m.]

[Amdt. 61-7, Civil Air Regulations]

PART 61—SCHEDULED AIR CARRIER RULES

RUNWAY UTILIZATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 12th day of March 1952.

Many airports have dense residential or industrial areas or obstructions in their immediate vicinity which make the use of certain runways preferable from the standpoint of safety. The Administrator of Civil Aeronautics is presently engaged in establishing a preferential runway program to be used at such airports. Accordingly pilots will be encouraged, whenever airport and weather conditions permit, to use such designated runways which will allow take-offs over less congested areas. This will have a beneficial effect on safety: First, safety on the ground will be increased and noise nuisance diminished by less frequent flight over congested areas; and second, flight over less congested areas will allow greater possibilities of a reasonably safe landing in the event of an emergency.

Section 61.238 *Runway utilization* of Part 61 of the Civil Air Regulations requiries that for take off, the runway with the greatest effective length be used, and that the take off be commenced from a point which will fully utilize the available runway length. While a preferential runway program is both desirable and necesary, § 61.238 would, in many instances, prevent pilots from utilizing preferred runways in that it limits the choice of runways. Therefore, to allow immediate use of the preferential runway program, the Board considers that § 61.238 should be deleted. It should be noted, however, that the Board considers full utilization of available runway length to be a desirable operational practice.

Since this amendment imposes no additional burden on any person and is designed to allow the Administrator immediately to implement a program of establishing preferential runways, notice and public procedure hereon are unnecessary and the amendment may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 61 of the Civil Air Regulations (14 CFR Part 61, as amended) effective immediately:

1. By deleting § 61.238.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-3797; Filed, Apr. 2, 1952; 8:50 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 65]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 600 is amended as follows:

1. Section 600.232 *Red civil airway No. 32 (Laredo, Tex., to Houston, Tex.)* is amended by changing the last portion to read: "From the Austin, Tex., radio range station via the Smithville, Tex., non-directional radio beacon; the Richmond, Tex., radio range station to the intersection of the southeast course of the Richmond, Tex., radio range and the southwest course of the Houston, Tex., radio range."

2. Section 600.650 is amended to read:

§ 600.650 *Blue civil airway No. 50 (Augusta, Maine, to the U. S.-Canadian Border).* From the Augusta, Maine, radio range station to the Bangor, Maine, radio range station. From the intersection of the northeast course of the Bangor, Maine, radio range and the west course of the St. John, New Brunswick, Canada, radio range to the intersection of the west course of the St. John, New Brunswick, Canada, radio range and the U. S.-Canadian Border.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., April 4, 1952.

[SEAL] F. B. LEE, *Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 52-3740; Filed, Apr. 2, 1952; 8:45 a. m.]

[Amdt. 70]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.1298 is added to read.

§ 601.1298 *Control area extension (Promontory Point, Utah.).* All that area bounded on the north by Green civil airway No. 3, on the east by Amber civil airway No. 2, on the south by a line 5 miles south of and parallel to Green civil airway No. 3, and on the west by Longitude 112°45'00".

2. Section 601.4221 is amended to read:

§ 601.4221 *Red civil airway No. 21 (Pittsburgh, Pa., to Boston, Mass.).* The

intersection of the northeast course of the Pittsburgh, Pa., radio range and the north course of the Altoona, Pa., radio range; the Crystal Lake, Pa., non-directional radio beacon; the intersection of the northeast course of the Allentown, Pa., radio range and the northwest course of the Newark, N. J., radio range.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., April 4, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-3741; Filed, Apr. 2, 1952; 8:45 a. m.]

[Amdt. 19]

PART 608—DANGER AREAS

ALTERATION

The danger area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.15, the Camp Carson, Colorado, area, published on July 16, 1949, in 14 F. R. 4289, is revised to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
Camp Carson (Denver Chart).	Beginning at lat. 38°32'06" N., long. 104°49'18" W.; due E. to long. 104°45'00" W.; N. to lat. 38°45'09" N., long. 104°45'50" W.; NW., to lat. 38°46'05" N., long. 104°46'50" W.; due W. to long. 104°48'48" W.; southwesterly along State Highway No. 115 to lat. 38°29'00" N., long. 104°51'40" W.; due S. to lat. 38°30'20" N.; SE. to lat. 38°32'06" N., long. 104°49'18" W., point of beginning.	Surface to 40,000 feet.	Continuous.	Commanding General, Camp Carson, Colo.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on March 28, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-3739; Filed, Apr. 2, 1952; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52960]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

BAGGAGE; ORAL DECLARATION

In order to permit collectors of customs to accept an oral declaration from a returning United States resident when the total value of articles acquired by him while abroad does not exceed $100, § 10.19 (b), Customs Regulations of 1943 (19 CFR 10.19 (b)), as amended, is hereby further amended by deleting "$25" and inserting "$100" in lieu thereof.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies sec. 498, 46 Stat. 728; 19 U. S. C. 1498)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: March 27, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-3801; Filed, Apr. 2, 1952; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter IX—Petroleum Administration for Defense, Department of the Interior

[PAD Order 1, Direction 1 of April 1, 1952]

PAD ORDER 1—AUTOMOTIVE TETRAETHYL LEAD FLUID

DIR. 1—SUSPENSION OF TEL USE LIMITATION

This direction is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

Sec.
1. What this direction does.
2. The direction.
3. Legal effect.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071, sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this direction does.* The purpose of this direction is to suspend the limitation on the use of automotive tetraethyl fluid of section 3 of PAD Order No. 1 until such time as said suspension is removed by revocation of this direction.

SEC. 2. *The direction.* Section 3 of PAD Order No. 1 as amended March 1, 1952, is suspended for the duration of the order, or until such time as reestablished by the revocation of this direction.

SEC. 3. *Legal effect.* This direction does not relieve any person of any obligation or liability incurred under PAD Order No. 1, nor deprive any person of any rights received or accrued thereunder.

This direction shall take effect on April 1, 1952.

OSCAR L. CHAPMAN,
Secretary of the Interior and Petroleum Administrator for Defense.

[F. R. Doc. 52-3842; Filed, Apr. 1, 1952; 3:48 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 51]

INSPECTION, CERTIFICATION, AND STANDARDS FOR FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS

UNITED STATES STANDARDS FOR TABLE GRAPES (EUROPEAN OR VINIFERA TYPE)

Notice is hereby given that the United States Department of Agriculture is considering the issuance of revised United States Standards for Table Grapes (European or Vinifera Type) under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1057; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1952 (Pub. Law 135, 82d Cong., approved August 31, 1952) to supersede United States Standards for Table Grapes (11 F. R. 13568) effective July 20, 1939.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with M. W. Baker, Deputy Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the thirtieth (30) day after the date of publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.232 *Standards for table grapes (European or Vinifera type)*—(a) *Grades*—(1) *U. S. Fancy Table Grapes.* U. S. Fancy Table Grapes consists of bunches of well developed grapes of one variety (except when designated as assorted varieties) which are well matured, fairly uniform in appearance and well colored. The berries shall be firm, firmly attached to capstems and shall not be weak, shriveled at capstems, shattered, split, crushed or wet, and shall be

free from decay, waterberry, sunburn and Almeria Spot, and shall be free from damage caused by scarring, discoloration, heat, mildew, other diseases, freezing, insects, or mechanical or other means.

(i) *Bunches.* The bunches shall be fairly well filled but not excessively tight. They shall also be free from injury caused by shot berries, dried berries or other defective berries or by the trimming away of defective berries and they shall weigh not less than one-half pound.

(ii) *Stems.* The stems shall be well developed and strong, shall not be dry and brittle and shall be free from mold and free from damage caused by mildew or freezing. The Almeria variety shall have stems which are mature. The Emperor variety shall have stems which are mature and distinctly yellowish-green or yellow at time of packing.

(iii) *Size of berries.* Not less than 90 percent, by count, of the berries, exclusive of shot berries and dried berries, on each bunch shall have a minimum diameter as indicated for varieties as follows:

Ribier and Cardinal, 13/16 of an inch.
Tokay, 11/16 of an inch.
Almeria, 9/16 of an inch.
Thompson Seedless and Black Monukka, 7/16 of an inch.
Other varieties, 10/16 of an inch.

(iv) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) 5 percent for bunches which fail to meet the requirements for minimum diameter of berries;

(*b*) 5 percent for bunches which weigh less than one-half pound;

(*c*) 10 percent for bunches which fail to meet the color requirements;

(*d*) 5 percent for bunches of the Almeria and Emperor varieties which fail to meet the requirements for maturity of stems and color of stems;

(*e*) 5 percent for bunches and berries which fail to meet the remaining requirements of this grade, other than for maturity and uniformity of appearance, including not more than 3 percent for shattered berries and including not more than 2 percent for berries which are seriously damaged: *Provided,* That not more than one-fourth of the latter amount, or one-half of 1 percent, may be permitted for berries affected by decay.

(*f*) There is no tolerance specified in this grade for grapes which fail to meet the maturity requirements. However, no lot shall be considered as failing to meet these requirements because the sample of grapes from one container tests below the required percentage of soluble solids.

(2) *U. S. Extra No. 1 Table Grapes.* U. S. Extra No. 1 Table Grapes consists of bunches of well developed grapes of one variety (except when designated as assorted varieties) which are mature, fairly uniform in appearance and fairly well colored, except that grapes of the red varieties shall be reasonably well colored. The berries shall be firm, firmly attached to capstems and shall not be weak, shriveled at capstems, shattered, split, crushed or wet, and shall be free from decay, waterberry, sunburn and Almeria Spot, and free from damage caused by scarring, discoloration, heat, mildew, other diseases, freezing, insects or mechanical or other means.

(i) *Bunches.* The bunches shall be fairly well filled but not excessively tight. They shall also be free from damage caused by shot berries, dried berries or other defective berries or by the trimming away of defective berries and they shall weigh not less than one-fourth pound.

(ii) *Stems.* The stems shall be well developed and strong, shall not be dry and brittle and shall be free from mold and free from damage caused by mildew or freezing. The Almeria variety shall have not less than 50 percent of the bunches with stems which are mature. The Emperor variety shall have not less than 50 percent of the bunches with stems which are mature and distinctly yellowish-green or yellow at time of packing.

(iii) *Size of berries.* Not less than 90 percent, by count, of the berries, exclusive of shot berries and dried berries, on each bunch shall have a minimum diameter as indicated for varieties as follows:

Ribier and Cardinal, 13/16 of an inch.
Tokay, 11/16 of an inch.
Almeria, 9/16 of an inch.
Thompson Seedless and Black Monukka, 7/16 of an inch.
Other varieties, 10/16 of an inch.

(iv) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) 5 percent for bunches which fail to meet the requirements for minimum diameter of berries;

(*b*) 10 percent for bunches which fail to meet the color requirements;

(*c*) For the Almeria and Emperor varieties, individual containers may have not more than a total of 10 percent less than the required percentage of bunches which meet the requirements for maturity of stems and color of stems: *Provided,* That the entire lot averages within the required percentage;

(*d*) 8 percent for bunches which weigh less than one-fourth pound and bunches and berries which fail to meet the remaining requirements of this grade, other than for maturity and uniformity of appearance, including not more than 5 percent for shattered berries and including not more than 2 percent for berries which are seriously damaged: *Provided,* That not more than one-fourth of the latter amount, or one-half of 1 percent, may be permitted for berries affected by decay.

(*e*) There is no tolerance specified in this grade for grapes which fail to meet the maturity requirements. However, no lot shall be considered as failing to meet these requirements because the sample of grapes from one container tests below the required percentage of soluble solids.

(3) *U. S. No. 1 Table Grapes.* U. S. No. 1 Table Grapes consists of bunches of well developed grapes of one variety (except when designated as assorted varieties) which are mature and fairly well colored. The berries shall be firm, firmly attached to capstems and shall not be weak, more than slightly shriveled at capstems, shattered, split, crushed or wet, and shall be free from decay, waterberry, and sunburn, and free from damage caused by scarring, discoloration, heat, Almeria Spot mildew, other diseases, freezing, insects or mechanical or other means.

(i) *Bunches.* The bunches shall not be straggly. They shall be free from damage caused by shot berries, dried berries or other defective berries or by the trimming away of defective berries and they shall weigh not less than one-fourth pound.

(ii) *Stems.* The stems shall not be weak or dry and brittle and shall be free from mold and free from damage caused by mildew or freezing.

(iii) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) 10 percent for bunches which fail to meet the color requirements;

(*b*) 10 percent for bunches which weigh less than one-fourth pound and bunches and berries which fail to meet the remaining requirements of this grade, other than for maturity, including not more than 5 percent for shattered berries and including not more than 2 percent for berries which are seriously damaged: *Provided,* That not more than one-fourth of the latter amount, or one-half of 1 percent may be permitted for berries affected by decay.

(*c*) There is no tolerance specified in this grade for grapes which fail to meet the maturity requirements. However, no lot shall be considered as failing to meet these requirements because the sample of grapes from one container tests below the required percentage of soluble solids.

(b) *Unclassified.* Unclassified consists of grapes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Application of tolerances to individual packages.* (1) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified for the grade.

(2) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified.

(3) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, except that for shattered berries and wet berries not more than one-tenth of the packages may contain more than double the tolerance specified.

(d) *Definitions.* (1) "Well developed grapes" means grapes which are not abnormally small for the variety.

(2) "One variety" means that the grapes show similar varietal characteristics. However, grapes in special packs

of two or more varieties, when designated as "assorted varieties," need not meet this requirement.

(3) "Well matured" means that the juice from 10 percent, by weight, of whole bunches of grapes in the container, which appear to be least mature, shall test not less than 17 percent soluble solids, as determined by the Balling or Brix scale hydrometer, except that the Tokay variety shall test not less than 18 percent, the Thompson Seedless variety shall test not less than 19 percent, the Malaga and Muscat varieties shall test not less than 20 percent.

(4) "Fairly uniform in appearance" means that not more than one-tenth of the containers in any lot may show sufficient variation in color or size of berries to materially detract from the appearance of the contents of the individual container.

(5) "Well colored" means in the case of:

(i) Black varieties that each bunch shall have not less than 95 percent, by count, of berries showing characteristic color. Purple to black shall be considered characteristic color for the varieties Malvoise, Rose of Peru, Black Prince and Black Hamburg; reddish-purple to black shall be considered characteristic color for Cornichon and Black Monukka. Ribier grape berries shall be considered as showing characteristic color when at least 60 percent of the surface is purple to black color, not reddish-purple.

(ii) Red varieties that each bunch of the Tokay variety shall have not less than 60 percent, by count, and other red varieties shall have not less than 75 percent, by count, of berries which show at least 60 percent of the surface with good characteristic color. Light or cherry red and dark red, but not light pink or very dark or purplish-red, are considered good characteristic color for the red varieties, excepting that any color ranging from light red through purple shall be considered good characteristic color for the Cardinal variety.

(iii) White varieties. There are no color requirements for the white varieties.

(6) "Firm" means that the berry is reasonably turgid and does not yield more than slightly to moderate pressure.

(7) "Weak" means that the berry is relatively low in sugar content, has inferior flavor and usually is watery, translucent and somewhat soft to the touch.

(8) "Shriveled at capstems" means that the berry shows more than slight wrinkling of the skin surrounding the capstem.

(9) "Shattered" means that the berry is separated from the bunch, and may or may not have the capstem attached.

(10) "Wet" means that the grapes are wet from moisture from crushed, leaking or decayed berries or from rain. Grapes which are moist from dew or other moisture condensation such as that resulting from removing grapes from a refrigerator car or cold storage to a warmer location shall not be considered as wet.

(11) "Decay" means any soft breakdown of the flesh or skin of the berry resulting from bacterial or fungus infection. Slight surface development of green mold (Cladosporium) shall not be considered decay.

(12) "Waterberry" means a watery, soft or flabby condition of the berries. Affected berries are low in sugar content, have tender skins and are easily crushed. This is an advanced or more pronounced stage of the condition referred to as "weak."

(13) "Sunburn" means injury to the berry caused by direct exposure to the sun, including "sulphur burn," occurring as a sunken, and usually discolored and dried area on the exposed surface.

(14) "Damage" means any defeat which materially affects the appearance, or the edible or shipping quality of the individual berry, the appearance of the bunch as a whole, or the shipping quality of the stems.

(i) Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage to the individual berry:

(*a*) Scarring such as that caused by thrip, mildew, rubs and similar injuries when materially affecting the appearance of the berry.

(*b*) Discoloration, when any light brown, tan or darker discoloration of the skin materially affects the appearance of the berry: *Provided*, That "sunkissed" berries of the white Malaga variety which show discoloration of amber or light brown color shall not be considered as damaged. "Buckskin" berries of the Tokay variety, and similar injury to other varieties, shall be considered as damaged by discoloration.

(*c*) Heat, when the flesh of the berry is affected.

(*d*) Almeria Spot, when any spot is distinctly sunken or dark in color.

(*e*) Mildew, when active powdery mildew is present.

(*f*) Freezing, when the berry is frozen or when the flesh of the berry is affected by freezing.

(*g*) Insects, when any insect is present or there is visible evidence of insect injury; when mealybug residue or aphis honeydew are present; or when the appearance is materially affected by the presence of leafhopper residue.

(ii) The following shall be considered as damage to stems:

(*a*) Mildew, when active powdery mildew is present on the stems, or when scars caused by this disease constrict or weaken any part of the main or lateral stems.

(*b*) Freezing, when the stems are frozen or the capstems are swollen or dried, or when the main or lateral stems are watersoaked and limp, or dried, as a result of freezing.

(15) "Fairly well filled" means that the berries are reasonably closely spaced on main and lateral stems and that the bunch is not very loose or stringy.

(16) "Excessively tight" means that the berries are so closely wedged together that, when the stem is fresh, the bunch is solid and the appearance is materially affected by berries on the lower portions being distinctly distorted from normal shape.

(17) "Injury to the bunch" means any defect which more than slightly affects the appearance of the bunch.

(18) "Shot berries" means very small berries resulting from insufficient pollination, usually seedless in those varieties which normally develop seeds. These berries may be entirely green and hard and are designated as "immature shot berries." They may mature and color uniformly with the normal berries on the bunch and are then designated as "mature shot berries."

(19) "Dried berries" means berries which are dry and shriveled to the extent that practically no moisture is present.

(20) "Well developed and strong" means that the main and lateral stems are firm, fibrous and pliable; not distinctly immature or spindly or thread-like at time of packing.

(21) "Diameter" means the greatest dimension of the berry taken at right angles to a line running from the stem to the blossom end.

(22) "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the grapes and includes berries which are split, crushed, wet, dried, affected by decay or waterbury, or damaged by heat or freezing, except that raisining grapes that are cracked or split, and grapes which show healed cracks at the blossom end, shall not be considered as seriously damaged.

(23) "Mature" means that the juice from 10 percent, by weight, of whole bunches of grapes in the container, which appear to be least mature, shall test not less than 17 percent soluble solids, as determined by the Balling or Brix scale hydrometer, except that the varieties Emperor, Gros Colman, Pierce Isabella, Olivette Blanche, Rish Baba, Red Malaga, Cardinal, Ribier, Khalili, Dizmar and varieties similar to or synonymous with the above, shall test not less than 16 percent, and except that Muscat varieties shall test not less than 18 percent.

(24) "Fairly well colored" means in the case of:

(i) Black varieties that each bunch shall have not less than 85 percent, by count, of berries showing characteristic color, except that in the varieties Ribier, Rose of Peru, Black Prince, Black Hamburg and Black Monukka each bunch shall have not less than 75 percent, by count, of berries showing characteristic color. Purple to black shall be considered characteristic color for the varieties Malvoise, Rose of Peru, Black Prince and Black Hamburg; reddish-purple to black shall be considered characteristic color for Cornichon and Black Monukka. Ribier grape berries shall be considered as showing characteristic color when at least 60 percent of the surface is purple to black color, not reddish-purple.

(ii) Red varieties that each bunch of the Tokay variety shall have not less than 45 percent, by count, and other red varieties shall have not less than 60 percent, by count, of berries which show at least 60 percent of the surface with characteristic color. Light pink, red, dark red or purple are considered characteristic color for the red varieties. (There are no color requirements for the Pink Thompson Seedless variety, Sultanina Rose).

(iii) White varieties. There are no color requirements for the white varieties.

(25) "Reasonably well colored" applies to the red varieties and means that each bunch of the Tokay variety shall have not less than 55 percent, by count, and other varieties shall have not less than 60 percent, by count, of berries which show at least 60 percent of the surface light pink, red or dark red, but not very dark or purplish-red, except that any color ranging from light pink through purple shall be permitted for the Cardinal variety.

(26) "Slightly shriveled at capstems" means that the skin of the berry is definitely wrinkled adjacent to the capstem and the surface is materially sunken.

(27) "Straggly" means that the berries are so widely spaced on main and lateral stems that the bunch is distinctly open or very stemmy or stringy in structure.

Done at Washington, D. C., this 28th day of March 1952.

[SEAL] GEORGE A. DICE,
Deputy Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-3764; Filed, Apr. 2, 1952; 8:47 a. m.]

[7 CFR Part 51]

INSPECTION, CERTIFICATION, AND STANDARDS FOR FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS

UNITED STATES STANDARDS FOR PEACHES

Notice is hereby given that the United States Department of Agriculture is considering the issuance of revised United States Standards for Peaches under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1952 (Pub. Law 135, 82d Cong., approved August 31, 1951) to supersede United States Standards for Peaches (12 F. R. 3798) effective April 22, 1933.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with M. W. Baker, Deputy Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the thirtieth (30) day after the date of publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.312 *Standards for peaches*—(a) *Grades*—(1) *U. S. Fancy.* U. S. Fancy consists of peaches of one variety which are mature but not soft or overripe, well formed and which are free from decay, bacterial spot, cuts which are not healed, growth cracks, hail injury, scab, scale, split pits, worms, worm holes, leaf or limb rub injury; and free from damage caused by bruises, dirt or other foreign material, other disease, insects or mechanical or other means.

(i) In addition to the above requirements, each peach shall have not less than one-third of its surface showing blushed, pink or red color.

(ii) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the peaches in any lot may fail to meet the requirements of this grade other than for color, but not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2 percent shall be allowed for soft, overripe, or decayed peaches en route or at destination. In addition, not more than 10 percent, by count, of the peaches in any lot may be below the specified color requirement.

(2) *U. S. Extra No. 1.* Any lot of peaches may be designated "U. S. Extra No. 1" when the peaches meet the requirements of U. S. No. 1 grade: *Provided*, That not less than 50 percent, by count, of the peaches in any lot also meets the color requirement of U. S. Fancy grade.

(i) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the peaches in any lot may fail to meet the requirements of U. S. No. 1 grade, but not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2 percent shall be allowed for soft, overripe or decayed peaches en route or at destination. No part of any tolerance shall be used to reduce the percentage of peaches with U. S. Fancy color required for the lot as a whole but individual packages may have not less than 40 percent which meets the color requirement of U. S. Fancy grade: *Provided*, That the entire lot averages not less than 50 percent.

(3) *U. S. No. 1.* U. S. No. 1 consists of peaches of one variety which are mature but not soft or overripe, well formed, and which are free from decay, growth cracks, cuts which are not healed, worms, worm holes, and free from damage caused by bruises, dirt, or other foreign material, bacterial spot, scab, scale, hail injury, leaf or limb rubs, split pits, other disease, insects or mechanical or other means.

(i) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count of the peaches in any lot may fail to meet the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2 percent shall be allowed for soft, overripe, or decayed peaches en route or at destination.

(4) *U. S. No. 2.* U. S. No. 2 consists of peaches of one variety which are mature but not soft or overripe, not badly misshapen, and which are free from decay, cuts which are not healed, worms, worm holes, and free from serious damage caused by bruises, dirt or other foreign material, bacterial spot, scab, scale, growth cracks, hail injury, leaf or limb rubs, split pits, other disease, insects, or mechanical or other means.

(i) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the peaches in any lot may fail to meet the requirements of this grade, but not more than one-tenth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2 percent shall be allowed for soft, overripe, or decayed peaches en route or at destination.

(b) *Unclassified.* Unclassified consists of peaches which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Application of tolerances to individual packages.* (1) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified for the grade:

(i) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided (as in the case of oversize, where a tolerance of 15 percent is provided) individual packages in any lot shall have not more than one and one-half times the tolerances specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one peach which is seriously damaged by insects or affected by decay may be permitted in any package.

(ii) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided*, That not more than one peach which is seriously damaged by insects or affected by decay may be permitted in any package.

(d) *Size requirements.* (1) The numerical count or the minimum diameter of the peaches packed in a closed container shall be indicated on the container.

(2) When the numerical count is not shown the minimum diameter shall be plainly stamped, stenciled, or otherwise marked on the container in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, as 2 inches minimum, 2¼ inches minimum, 1⅞ inches minimum, in accordance with the facts. The minimum and maximum diameters may both be stated, as 1⅞ to 2 inches, or 2 to 2¼ inches, in accordance with the facts.

(3) "Diameter" means the shortest distance measured through the center of the peach at right angles to a line running from the stem to the blossom end.

(4) In order to allow for variations incident to proper sizing, not more than 10 percent, by count, of peaches in any lot may be below the specified minimum

size and not more than 15 percent, may be above any specified maximum size.

(e) *Standard pack.* (1) Each package shall be packed so that the peaches in the shown face shall be reasonably representative in size, color and quality of the contents of the package.

(2) *Baskets.* Peaches packed in U. S. Standard bushel baskets, or half-bushel baskets shall be ring faced and tightly packed with sufficient bulge to prevent any appreciable movement of the peaches within the packages when lidded.

(3) *Boxes.* Peaches packed in standard western boxes shall be reasonably uniform in size and arranged in the packages according to the approved and recognized methods. Each wrapped peach shall be fairly well enclosed by its individual wrapper. All packages shall be well filled and tightly packed but the contents shall not show excessive or unnecessary bruising because of over-filled packages. The number of peaches in the box shall not vary more than 4 from the number indicated on the box.

(4) Peaches packed in other type boxes such as wire-bound boxes and fibre-board boxes may be place packed, or jumble packed faced, and all packs shall be well filled.

(5) Peaches packed in boxes equipped with cell compartments or molded trays shall be of the proper size for the cells or the molds in which they are packed.

(6) Peaches placed in individual paper cups and packed in boxes shall be in cups of the proper size for the peaches.

(7) In order to allow for variations incident to proper packing, not more than 10 percent of the packages in any lot may not meet these requirements.

(f) *Definitions.* (1) "Mature" means that the peach has reached the stage of growth which will insure a proper completion of the ripening process.

(2) "Well formed" means that the shape of the peach may be slightly irregular but not to the extent that its appearance is materially affected.

(3) "Leaf or limb rub injury" means that the scarring is not smooth, not light colored, or aggregates more than ¼ inch in diameter.

(4) "Damage" means any injury or defect which materially affects the appearance, or the edible or shipping quality of the peach. Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Bacterial spot when cracked, or when aggregating more than ⅜ inch in diameter;

(ii) Scab spots when cracked, or when aggregating more than ⅜ inch in diameter;

(iii) Scale, when concentrated, or when scattered and aggregating more than ¼ inch in diameter;

(iv) Hail injury which is unhealed, or deep, or when aggregating more than ¼ inch in diameter;

(v) Leaf or limb rubs, when not smooth, or when not light colored, or when aggregating more than ½ inch in diameter.

(vi) Split pit, when causing any unhealed crack, or when causing any crack which is readily apparent, or when affecting shape to the extent that the fruit is not well formed.

(5) "Serious damage" means any injury or defect which seriously affects the appearance, or the edible or shipping quality of the peach. Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Bacterial spot, when any cracks are not well healed, or when aggregating more than ¾ inch in diameter.

(ii) Scab spots, when cracked, or when healed and aggregating more than one inch in diameter.

(iii) Scale, when aggregating more than ½ inch in diameter.

(iv) Growth cracks, when unhealed, or more than ½ inch in length.

(v) Hail injury, when unhealed, or shallow hail injury when aggregating more than ¾ inch in diameter, or deep hail injury which seriously deforms the fruit or which aggregates more than ½ inch in diameter.

(vi) Leaf or limb rubs, when smooth and light colored and aggregating more than 1½ inches in diameter, or dark or slightly rough and barklike scars aggregating more than ¾ inch in diameter.

(vii) Split pit, when causing any unhealed crack, or when healed and aggregating more than ½ inch in length including any part of the crack which may be covered by the stem.

(viii) Soft or overripe peaches.

(ix) Wormy fruit or worm holes.

(6) "Badly misshapen" means that the peach is so decidedly deformed that its appearance is seriously affected.

Done at Washington, D. C., this 28th day of March 1952.

[SEAL] GEORGE A. DICE,
Deputy Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-3765; Filed, Apr. 2, 1952; 8:48 a. m.]

[7 CFR Part 913]

HANDLING OF MILK IN THE GREATER KANSAS CITY MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER, AMENDING THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order amending the order, as amended, regulating the handling of milk in the Greater Kansas City marketing area.

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 5th day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing, on the record of which the proposed marketing agreement and the proposed order amending the order, as amended, were formulated, was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of a petition filed by the Pure Milk Producers Association of Greater Kansas City, Inc. Additional proposals were submitted by various handlers operating in the Kansas City market. The hearing was conducted at Kansas City, Missouri, on February 18–19, 1952, pursuant to a notice in the FEDERAL REGISTER (17 F. R. 1479).

The material issues proposed on the record of hearing and on which findings and conclusions are herein set forth are concerned with:

1. The definition of "producer" as it pertains to milk received at a pool plant supplying Class I milk to a United States Government institution or base.

2. Allocating inter-handler transfers of milk to Class II under certain conditions.

3. The level of class prices.

4. Increasing the rate of "take-out" and changing the months to which the "take-out" and "pay-back" of the fall production incentive plan shall apply.

Findings and conclusions. Evidence introduced at the hearings and the record thereof indicated the need for emergency action with respect to the price for Class I milk applicable for April 1952. Such emergency action with regard to the price of Class I milk for April 1952 was in the form of a final decision issued by the Acting Secretary March 17, 1952 (17 F. R. 2394). The following findings and conclusions which are supplementary to the findings and conclusions made with respect to the aforesaid decision are based upon the evidence introduced at the hearings and the record thereof.

1. *Producer definition.* The definition of producer should be clarified as it pertains to milk which is received at a pool plant supplying Class I milk to a United States Government institution or base. The order now provides that any person who produces milk acceptable to agencies of the United States Government for fluid consumption in its institutions or bases would be considered a producer under the order, provided that his milk was received at a pool plant supplying Class I milk to such an institution or base in the marketing area. The recommended change would consider such a person as a producer only if the milk produced by him and delivered to a pool plant was acceptable to agencies of the United States Government for fluid consumption in its institutions or bases as Type I; Type II, No. 1; or Type III, No. 1. These categories are defined in the Federal specification C–M–381e. The

quality of milk thus defined is similar to that established for Grade A milk in the area. Types I, II, and III are pasteurized certified milk, pasteurized milk, and homogenized pasteurized milk, respectively. The grades other than No. 1 under Types II and III include milk of a poorer quality, No. 2 permitting a plate count not to exceed 500,000 per milliliter, and No. 3 a plate count not exceeding 1,000,000 per milliliter. In effect, milk which is similar in quality to Grade A would be pooled under the order and milk of lower quality would be excluded from the pool as other source milk. The policy of the governmental institutions and bases is to use milk of lower quality only when milk of a quality approximating Grade A, described above as Type I; Type II, No. 1; or Type III, No. 1, is not available. The change herein recommended would not affect the status of any handler or producer currently on the market but would merely tie in the language in the order with that of the Federal specification which establishes the standards of quality for milk delivered to governmental institutions and bases.

2. *Allocation of inter-handler transfers.* The transfer provision of the order should not be changed at this time. Handlers proposed that skim milk or butterfat transferred from a pool plant to the pool plant of another handler be classified as Class II if utilization of the specific shipment could be established in that class. The order provides that skim milk or butterfat transferred from a pool plant to the pool plant of another handler may be classified as Class II only to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk received at that plant during the delivery period. In effect the order provides that all other source milk received during a delivery period be assigned to Class II before any milk received from producers is assigned to that class.

No practicable or specific means of providing within the framework of the order the change requested by handlers was proposed. To require handlers of pool plants to report in detail the specific disposition of each unit of milk, skim milk and cream received, and to require the market administrator to audit in such detail, would be prescribing requirements which are far more costly to maintain than would be the value to the market of such requirements. This is emphasized even further when it is noted that the situation which the proposal is supposed to correct, according to a handler witness, would happen to an average company not more than once or twice a year.

The quantity of milk involved in inter-handler transfers as affected by this proposal was not established on the record. Apparently, it is not a large part of the Class II sales in the market and is not a regular part of a handler's business. There are many other outlets for Class II milk available to Kansas City handlers, and they may well avoid the possibility of having Class II sales reclassified as Class I by exercising reasonable judgment with regard to which outlets their Class II sales are made.

It is concluded that the record of the hearing does not substantiate any change in the transfer provisions at this time.

3. *Revision of class prices.* (a) The differential to be added to the basic formula price in determining the Class I price should be $1.15 per hundredweight during the months of April through July and $1.45 per hundredweight in all other months. In addition provision should be made for automatically adjusting the Class I price in response to changes in the relationship between market supply and demand.

The average annual increase in the Class I differential herein recommended is 12.5 cents per hundredweight. Although the order currently provides for a Class I differential of $1.45 for September through February and for a differential of $1.00 for all other months, emergency conditions resulted in establishing a differential of $1.90 for November 1951 through March 1952 and a differential of $1.45 for April 1952.

There are overlapping areas of competition in the Kansas City milkshed wherein producers may shift from one market to another. Testimony at the hearing indicated that some handlers in the Springfield and St. Louis, Missouri marketing areas compete for producers in such overlapping areas. In order to maintain a supply of milk for the Kansas City market it is necessary that the Kansas City order price be maintained competitively to the price paid producers not only in the Springfield and St. Louis markets but in all other markets whose production areas overlap with that of the Kansas City market.

Since January 1951 there has been a continuous and substantial decline of the number of producers supplying the Kansas City market. The 2,823 producers shipping in January 1951 compares with 2,710 in January 1952. The low point in the number of producers shipping in this period was in December 1951 with 2,706 producers delivering to the Kansas City market. This is the lowest number of producers that had shipped to the Kansas City market since April 1950.

Along with a decline in the number of producers shipping to the Kansas City market the average daily receipts per farm has in every month since July 1951 been lower than that for the same month of the preceding year. The average daily receipts per farm in January 1952 of 259 pounds of milk was 17 pounds less than in January 1951, and the total decline in producer receipts in January 1952 from the same month of a year ago of 2.4 million pounds is a drop of 10 percent. The severe drop in producer deliveries to the Kansas City market has been accompanied by a continuing increase in Class I sales. During 1951 total Class I sales were 4.6 percent above the equivalent sales in 1950, and in January 1952 Class I sales were 4.7 percent, or 1.015 million pounds, above those of January 1951.

Producers testified that the labor situation with regard to help on dairy farms in the Kansas City milkshed is extremely critical. Defense plants and an air base located in the production area are competing for local available manpower and there is a general shifting of farm labor to metropolitan areas for other work. The various alternatives to working on dairy farms in the Kansas City area have resulted in it not only being difficult to obtain such labor but tend to make such farm labor high priced.

Producers proposed a Class I differential of $1.45 throughout the year which would result in an average annual increase of 22.5 cents in the differential instead of 12.5 cents as recommended herein. Of the increase requested, the full amount during the months of April through July would be set aside as a "take-out" for distribution to producers during the months of short production under the fall production incentive plan. Testimony at the hearing indicated that better seasonality of production is needed for the Kansas City market and that any incentive in price given should encourage producers to supply the market more adequately in the fall and to discourage unneeded production in spring months. It is concluded that providing a Class I differential of $1.45 for the months of August through March and $1.15 for April through July, and increasing the take-out during these latter months for distribution under the fall production incentive plan as described in the discussion of issue No. 4 will best accomplish the desired results.

The purpose of the supply-demand adjustment proposed at the hearing is to provide automatic changes in Class I prices when need for such change is indicated by the relationship of Class I sales to the supply of milk produced for the market. If the market has a normal supply of milk the supply demand adjustment would have no effect on the Class I price. If the Class I sales are a greater proportion of total production for the market than normally the Class I price would be increased. Conversely the Class I price would be decreased when Class I sales were less than the normal proportion of total production for the market.

A principal advantage of having a supply-demand adjustment in the order is that changes in the relationship of Class I sales to production for the market are promptly reflected in the price and there would be less frequent need for hearings. Much time is necessarily lost between the time a hearing is requested and the time an amendment resulting from such hearing becomes effective. For example, producers contended that the emergency pricing of Class I milk in the Kansas City order which was made effective November 1, 1952, was needed some several months before that time but action could not be obtained because of the time required by the hearing process.

An analysis of changes in production and sales in the market indicates that any adjustment made should reflect conditions as currently as possible. The use of the data in the first and second delivery periods immediately preceding could conveniently be used in the Kansas City market. Such data would be available to the market administrator to enable him to announce the supply

demand adjustment factor by the 10th of the month to which it is applicable. Although this would result in having the Class I price announcement made 5 days later than is now provided for in the order, the advantage of having the most current month reflected in the supply demand adjustment factor outweighs the disadvantage of a few days delay in the price announcement.

The records of the market indicate that in the period June 1950 through June 1951, which period was proposed as a base period by the proponents, the Kansas City market was more adequately supplied with milk for fluid use than at any other time in the recent history of the market. Over this period production followed a reasonable seasonal pattern.

Handlers proposed that if the supply demand adjustment provision is incorporated into the order it should not be applicable to the spring months of flush production. They stated that to provide otherwise would encourage production when it was not needed. The supply demand provision is not per se a device for levelling out production. The ratio used in its application indicates the trend of production and sales and thereby forecast the ratio of Class I sales to production in the months immediately following. The seasonality which is used in the base period should be that seasonality which is normal to the market. Such seasonality was most nearly obtained during the base period proposed by producers June 1950 through June 1951.

Producers testified that the seasonality of production for the Kansas City market should be improved and that this could best be accomplished by increasing the take-out in the spring and months for distribution under the fall production incentive plan, as is discussed in issue No. 4. If the improvement in seasonality is obtained, production in the spring months would be lower and the percentage that Class I sales are of production in these months would be greater than in the base period proposed. Consideration should be given to this factor by "idealizing" a percentage factor in the base period in the supply demand formula for the months of April through July. Giving consideration to this, the percentages recommended for use in the supply demand adjustment formula would be as follows:

Delivery period for which price applies	Delivery periods used in computation	Percentage
January	November-December	89
February	December-January	87
March	January-February	84
April	February-March	82
May	March-April	80
June	April-May	75
July	May-June	68
August	June-July	66
September	July-August	66
October	August-September	73
November	September-October	82
December	October-November	87

In making the adjustment in the Class I price each month a "net utilization percentage" would be obtained by subtracting from the Class I utilization percentage for the applicable month the percentage for that month from the above table. The Class I price would be increased 4 cents for reach plus percentage point in excess of 2 in the net utilization adjustment and would be decreased 4 cents for each minus percentage point in excess of 2 in the net utilization adjustment. A maximum limit in the amount of adjustment would be 45 cents.

Requiring a 3 point percentage variation from the representative relationship before making any monetary adjustment would provide for random variations in supplies and sales.

The producers proposed that when a Class I price increase was indicated by a supply demand adjustment the rate be 4 cents per percentage point, and that when a price decrease was indicated the rate be 3 cents per percentage point. They also proposed that there be no limit in the amount that Class I price be increased by reason of the supply demand adjustment, but that a decrease by reason of adjustment be limited to 45 cents. The record fails to substantiate the contention that different rates should be used in adjusting the price upward and downward and that a maximum limit should be placed on the downward adjustment rate only. If the supply demand adjustment over a sustained period affects the Class I price by the maximum limits it would be an indication that a hearing is needed to review the overall Class I pricing provisions of the order.

(b) The proposal by handlers to revise the present order provisions for pricing Class II milk so as to use as a basis therefor the average of the prices paid by 14 local manufacturing plants handling ungraded milk should not be adopted.

The 14 plants selected by the dealers on the basis of their proximity to Kansas City are all within 100 miles of the marketing area. Evidence submitted at the hearing with regard to the operation of these plants was incomplete. It was not indicated to what extent, if any, handlers in the Kansas City market sold milk for manufacturing purposes to these plants or whether any milk for manufacturing purposes was purchased by Kansas City handlers from these plants. Whether the prices paid at these manufacturing plants have a significant affect on the value of surplus milk in the Kansas City area or whether the prices which they pay their producers for ungraded milk is indicative of the value of Class II milk and the uses to which it is put by Kansas City handlers was not established.

The present Class II price is based on a butter-powder formula or on the average price paid at 18 midwestern condenseries, whichever is higher. A floor on these prices is provided by the prices paid by three local manufacturing plants. The butter-powder and the 18 condensery quotations are readily available, are representative prices for milk used for manufacturing purposes, and are used widely in marketing orders throughout the country. On the other hand, it is not shown that the quotations of the prices paid by the 14 ungraded manufacturing plants would be available to the market administrator to use in computing the Class II price. Neither was it established as to whether the price attributed as having been paid by each of these plants was the f. o. b. plant price or a price adjusted by various differentials.

None of the testimony indicated that the quotations now provided for in the order in establishing the Class II price are inadequate. The principal contention of the handlers with regard to Class II pricing was that they were losing money in handling Class II milk and that therefore the price should be reduced. Handler's profits and losses are not the only consideration affecting the Class II price and the detailed evidence necessary to support the loss claimed was not submitted at the hearing. It is concluded that no action should be taken at this time with regard to reducing the level of the Class II price or replacing the formula used in its determination.

4. *Fall production incentive plan.* The rate of deduction, or take-out, under the fall production incentive plan should be 40 cents per hundredweight on all milk received from producers during the months of April through July. The order currently provides for a rate of 20 cents during the months of May, June and July.

The need for increasing the amount of the take-out was uncontroverted on the hearing record. Production of more milk in the fall months is needed in the Kansas City market. An increase in returns to producers for this production through the fall production incentive plan would be an incentive to producers to level out their production.

One group of producers proposed a take-out of 75 cents per hundredweight on all Class I milk instead of computing the take-out on all milk received from producers as now provided for in the order. Using Class I sales instead of production as a basis for the take-out was not shown to be of advantage to the market.

On the basis of Class I sales in the months of April through July 1951 a 75 cents take-out would have been the equivalent of a monthly rate of from 47.4 to 59.4 cents per hundredweight on all milk over the four month period. The producer group which proposed a 75 cents take-out on Class I had also proposed that the funds for this increase be obtained from increasing the Class I differential during the spring months. The Class I price substantiated by the record, and discussed in issue No. 3 does not provide an adequate increase to make available such funds for a take-out. The recommended increase in the Class I differential of 15 cents per hundredweight will compensate for approximately half of the increase in the take-out in the spring months.

Various proposals were made concerning the months to which the take-out and pay-back of the fall incentive plan should apply. Handler representatives proposed that April replace July as a take-out month and that September replace December as a pay-back month. Handlers contended that producers respond productionwise on the basis of

when they received payment for milk. They claimed, for example, that producers are not sufficiently responsive to the fall production incentive plan until payments on October deliveries are made in November. By moving the pay-back up a month to include September it was contended producers would be made aware a month earlier (in October) of the premium payments for fall production. There was no testimony by producers in support of the handler proposal to change the pay-back months, and it was not estalished that producer response to fall production would be better by giving consideration to the time when payment is made for milk instead of by paying the higher prices for milk produced during the months when it is needed.

Adding April to the take-out months as proposed by producers would have four months in the take-out period and three months in the pay-back. April is generally associated with the months of flush production in the Kansas City market. The take-out in this month will contribute significantly toward increasing the fall production incentive plan payments. The prices currently provided in the order have not sufficiently improved the seasonality of production with regard to the supply of milk for the fall months. The increased moneys set aside by adding April to the take-out months together with increasing the rate of take-out will result in correspondingly larger payments to producers for milk delivered to the market in October, November, and December. This will accentuate in a desired manner the seasonality of uniform prices returned to producers.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers who would be subject to the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended. The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this recommended decision.

General findings. (a) The proposed marketing agreement and the proposed order, amending the order, as amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order, as amended. The following order amending the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The marketing agreement is not included in this recommended decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. Amend § 913.7 to read as follows:

§ 913.7 *Producer.* "Producer" means any person, other than a producer-handler, who (a) produces milk under a dairy farm permit or rating issued by the applicable health authority of the marketing area for the production of milk to be used for consumption as milk in the marketing area on a dairy farm subject to the regular inspection of such authority, which (1) is received at a pool plant, or (2) is caused to be diverted from a pool plant to a nonpool plant by a handler or cooperative association for the account of such handler or cooperative association, or (b) produces milk acceptable to agencies of the U. S. Government for fluid consumption in its institutions or bases as Type I; Type II, No. 1; or Type III, No. 1, which is received at a pool plant supplying Class I milk to such an institution or base in the marketing area. This definition shall not include a person with respect to milk produced by him which is received by a handler who is subject to another Federal marketing order and who is partially exempted from this part pursuant to the provisions of § 913.62. As used in this part "dairy farm permit or rating" means one issued by the health authority charged with the inspection of milk for fluid consumption in the part of the marketing area where such milk is sold or disposed of, or was sold or disposed of before being diverted.

2. Amend § 913.22 (j) (1) to read as follows:

(1) On or before the 10th day of each month the minimum price for Class I milk pursuant to § 913.51 (a) and the Class I butterfat differential pursuant to § 913.52 (a), both for the current delivery period; and on or before the 5th day of each month the minimum price for Class II milk pursuant to § 913.51 (b) and the Class II butterfat differential pursuant to § 913.52 (b), both for the delivery period immediately preceding; and

3. Delete § 913.51 (a) and substitute therefor the following:

§ 913.51 *Class prices.* * * *

(a) *Class I milk.* The basic formula price for the preceding delivery period plus $1.15 during each of the delivery periods of April, May, June and July, and plus $1.45 during all other delivery periods, plus or minus a "supply demand" adjustment computed as follows:

(1) Divide the total gross volume of Class I milk (less inter-handler transfers) in the first and second delivery periods immediately preceding by the total receipts of producer milk for the same delivery periods, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage.

(2) Compute a "net utilization percentage" by subtracting from the Class I utilization percentage computed pursuant to subparagraph (1) of this paragraph, the percentage shown below for the delivery period:

Delivery period for price which applies	Delivery periods used in computation	Percentage
January	November-December	89
February	December-January	87
March	January-February	84
April	February-March	82
May	March-April	80
June	April-May	75
July	May-June	68
August	June-July	66
September	July-August	66
October	August-September	73
November	September-October	82
December	October-November	87

(3) For each plus percentage point in excess of 2 in the "net utilization percentage" the Class I price shall be increased 4 cents and for each minus percentage point in excess of 2 in the "net utilization percentage" the Class I price shall be decreased 4 cents: *Provided*, That in no event shall an adjustment made pursuant to this subparagraph exceed 45 cents per hundredweight.

4. Amend § 913.71 (c) to read as follows:

(c) For each of the delivery periods of April, May, June and July, subtract an amount equal to 40 cents per hundredweight of the total amount of milk received by handlers from producers and included in these computations, to be retained in the producer-settlement fund for the purpose specified in § 913.86;

Filed at Washington, D. C., this 31st day of March 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52-3820; Filed, Apr. 2, 1952; 8:52 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

METAL BUSINESS EQUIPMENT INDUSTRY

NOTICE OF HEARING WITH RESPECT TO PREVAILING MINIMUM WAGE

Pursuant to the provisions of the Walsh-Healey Public Contracts Act (Act of June 30, 1936, 49 Stat. 2036; 41 U. S. C.

secs. 35–45) it is proposed to hold a hearing for the purpose of determining the prevailing minimum wage in the Metal Business Equipment Industry.

The Metal Business Equipment Industry for the purpose of this hearing is defined as that Industry which manufactures or furnishes any metal business equipment, including but not limited to, the following products: (1) Bank counters; benches; stools; bookcases; chairs; desks; desk trays; filing boxes, cabinets and cases; cabinets for printers' type; storage cabinets; cabinet partitions; tables; visible business equipment; wardrobes; and waste baskets; (2) lockers; racks; and industrial and general-purpose shelving; (3) rotating bins and sectional bins; tool boxes, tool cabinets and tool chests; metal boxes, metal chests and metal cases.

Some of these products are now included in the wage determination for the Metal Furniture Branch of the Furniture Manufacturing Industry (41 CFR 202.27).

Now, therefore, notice is hereby given that a public hearing will be held on Tuesday, June 24, 1952, at 10:00 a. m. in Room 1214 of the Department of Labor, Constitution Avenue and Fourteenth Street Northwest, Washington, D. C., before the Administrator of the Wage and Hour and Public Contracts Divisions or a representative designated to preside in his place, at which hearing all interested persons may appear and submit data, views and argument (1) as to what are the prevailing minimum wages in the Metal Business Equipment Industry; (2) as to whether there should be included in any determination for this Industry provision for employment of learners, beginners (or probationary workers) and/or apprentices at subminimum rates, and if so, in what occupations, at what subminimum rates, and with what limitations, if any, as to length of period and number or proportion of such subminimum rate employees; and (3) as to the adequacy of the proposed definition.

Persons intending to appear are requested to notify the Administrator of their intention in advance of the hearing. Written statements in lieu of personal appearance may be filed by mail at any time prior to the date of the hearing, or may be filed with the presiding officer at the hearing. An original and four copies of any such statement should be filed.

A wage survey of selected establishments in the Metal Business Equipment Industry was made by the Bureau of Labor Statistics as of July 1951. Tabulations of the survey data released by the Bureau as of March 2, 1952 and additional tabulations prepared from such data at the request of the Wage and Hour and Public Contracts Divisions will be made available to interested persons upon request to the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington, D. C. Interested persons are invited to submit wage data, including data as to changes which may have taken place in the wage structure of the Industry since the time of the survey.

In the discretion of the presiding officer, a period of not to exceed 30 days from the close of the hearing may be allowed for the filing of comment on the evidence and statements introduced into the record of the hearing. In the event such supplemental statements are received an original and four copies of each such statement should be filed.

Signed at Washington, D. C., this 28th day of March 1952.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator, Wage and Hour and Public Contracts Division.

[F. R. Doc. 52-3743; Filed, Apr. 2, 1952; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 41, 42, 45, and 61]

OPERATING LIMITATIONS FOR AIRCRAFT NOT CERTIFICATED IN THE TRANSPORT CATEGORY

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board additional revisions of the current provisions of Parts 40 and 61 of the Civil Air Regulations and an amendment to Special Civil Air Regulation SR-356 in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by May 2, 1952. Copies of such communications will be available after May 6, 1952, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Reference should be made to the proposed revision of Part 40 of the Civil Air Regulations, Scheduled Interstate Air Carriers Certification and Operation Rules, which was published as a notice of proposed rule making (16 F. R. 8923) and circulated as Draft Release No. 51-6. The proposed revision omitted performance requirements for aircraft types certificated prior to July 1, 1942, and reserved the question for study with interested segments of the aviation industry. While the Board considers that performance limitations for aircraft of this type are necessary in revised Part 40, it is also mindful of the excellent safety records of such aircraft as the Douglas DC-3 and Lockheed 18 and therefore does not intend unduly to penalize them.

At the present time 14 of the scheduled air carriers are operating their DC-3 and L-18 equipment under the performance limitations shown in paragraphs 8 and 10 of the preface pages of their opertions specifications which were prescribed by the Administrator in November 1945. In passenger operation the operators must also comply with §§ 40.58 and 40.59 for visual flight operation, and § 40.76 for instrument or over-the-top operation. In scheduled cargo operation, §§ 40.143 and 40.59 apply. Limitations for passenger aircraft operated in irregular or off-route operation, however, are contained in §§ 42.80 to 42.83, inclusive, of Part 42. The CAA has provided performance data for both the DC-3 and the L-18 when operated in accordance with Part 42, and the necessary information for obtaining maximum weights is contained in CAM 42. Twenty-nine scheduled carriers are operating under the limitations in Part 42 in accordance with SR-356 which thereby allows increased landing weights.

There has been considerable discussion in the past regarding the operating requirements for the DC-3 and L-18 aircraft, and final decision has been postponed on the assumption that these aircraft would be ruled out of service at some foreseeable date. However, as the Board has proposed to remove this date from the Civil Air Regulations (see Draft Release No. 51-13 and 16 F. R. 11787), it is considered essential to include appropriate performance requirements in revised Part 40. It is expected that these new requirements will provide a sound basis for the operation of these aircraft and will eliminate the need for the interpretive material which must be associated with present operations.

In Draft Release No. 50-8, dated October 2, 1950 (15 F. R. 6700) the Bureau had proposed the adoption in Part 40 of the requirements of §§ 42.80 through 42.83 to be used for scheduled passenger operations. Several objections to the application of these requirements to scheduled operations were made on the ground that they would impose on certain operators further restrictions which would be unduly burdensome and not warranted by the excellent safety record of these aircraft.

The proposed new performance requirements are based on the principles of §§ 42.80 through 42.83, but with the following important changes:

1. The air carrier is permitted to take account of 50 percent of the head-wind component, and is required to take account of 150 percent of the tail-wind component on all take-offs. The practice of taking account of head wind on take-off is presently being followed with transport category aircraft and has proven to be both safe and operationally satisfactory. Recent amendments to Parts 41, 42, and 61 require taking into account tail-wind components during take-off and landing for aircraft certificated under transport category requirements, and there appears to be no reason why this practice should not be followed in the operation of nontransport category aircraft.

2. The requirement for the width of route over which vertical clearance is required has been changed from 20 miles (with a proviso that 10 miles may be used for distances of no more than 20 miles if special air navigation facilities are provided) to 10 miles. Ten miles is the usual airway width and the width of the prescribed route in off-airway operation. Air carriers must demonstrate that they can navigate in this airspace.

3. The Administrator may authorize the use of a procedure which substitutes excess altitude for rate of climb as pertains to terrain clearance, if, after a consideration of the operational factors involved on a particular route, route segment, or area, he finds that such a procedure will not compromise safety. Sections 40.58 (a) (2) and 40.76 (a) (2) of the present Part 40 indicate that such procedures may be approved for air carriers, and several carriers have been operating within the intent of these paragraphs for many years. There appears to be no reason, therefore, why this provision should not be made more explicit. It should be emphasized that if such a procedure is scheduled, it will be subject to approval by the Administrator to insure that adequate attention is given to the operational factors involved, such as prevalance and magnitude of turbulence, adequacy of weather forecasting, and navigational facilities, and to insure that the aircraft will have sufficient altitude prior to crossing high terrain.

At the present time SR–356 provides that, if nontransport category aircraft are operated under the operating limitations of §§ 42.80 through 42.83, their maximum landing weight can be increased to the value of their maximum certificated take-off weight. There appears to be no reason why this provision cannot be made applicable to nontransport category aircraft operating under the proposed §§ 40.62 through 40.65. Therefore, it is proposed to amend SR–356 to so provide.

The Bureau is mindful of the difference which will result between Parts 40 and 42 in the event these proposed rules are adopted. Therefore, to avoid that undesirable situation it is expected that an amendment to Part 42 will be proposed upon adoption of revised Part 40. The question of a similar amendment to Part 41 will also be considered, taking into account the differences between international and domestic operations.

It is therefore proposed to further revise Parts 40 and 61 and to amend Special Civil Air Regulation SR–356 as follows:

1. By inserting in the revision of Part 40, Scheduled Interstate Air Carrier Certification and Operation Rules, the following §§ 40.62 through 40.65:

§ 40.62 *Operating limitations for aircraft not certificated in the transport category.* In operating any large, nontransport category aircraft in passenger service after July 1, 1952, the provisions of §§ 40.63 through 40.65 shall be complied with, unless deviations therefrom are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements unnecessary for safety. Prior to that date such aircraft shall be operated in accordance with such operating limitations as the Administrator determines will provide a safe relation between the performance of the aircraft and the airports to be used and the areas to be traversed. Performance data published or approved by the Administrator for each such nontransport category aircraft shall be used in determining compliance with these provisions.

§ 40.63 *Take-off limitations.* No take-off shall be made at a weight in excess of that which will permit the aircraft to be brought to a safe stop within the effective length of the runway from any point during the take-off up to the time of attaining 105 percent V_{MC} or 115 percent V_{S_1}, whichever is the greater. In applying the requirements of this section:

(a) It may be assumed that take-off power is used on all engines during the acceleration;

(b) Account may be taken of not more than 50 percent of the reported wind component along the take-off path if opposite to the direction of take-off, and account shall be taken of not less than 150 percent of the reported wind component if in the direction of the take-off;

(c) Account shall be taken of the average runway gradient when the average gradient is greater than ½ percent. The average runway gradient is the difference between the elevations of the end points of the runway divided by the total length;

(d) It shall be assumed that the aircraft is operating in the standard atmosphere.

§ 40.64 *En route limitations; one engine inoperative.* (a) No take-off shall be made at a weight in excess of that which will permit the aircraft to climb at a rate of at least 50 feet per minute with the critical engine inoperative at an altitude of at least 1,000 feet above the elevation of the highest obstacle within 5 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is the higher: *Provided*, That, in the alternative, an air carrier may utilize a procedure whereby the aircraft is operated at an altitude such that in event of an engine failure the aircraft can clear the obstacles within 5 miles on either side of the intended track by 1,000 feet, if the air carrier can demonstrate to the satisfaction of the Administrator that such a procedure can be used without impairing the safety of operation. If such a procedure is utilized, the rate of descent for the appropriate weight and altitude shall be assumed to be 50 feet per minute greater than indicated by the performance information published or approved by the Administrator. Before approving such a procedure, the Administrator shall take into account, for the particular route, route segment, or area concerned, the reliability of wind and weather forecasting, the location and types of aids to navigation, the prevailing weather conditions, particularly the frequency and amount of turbulance normally encountered, terrain features, air traffic control problems, and all other operational factors which affect the safety of an operation utilizing such a procedure.

(b) In applying the requirements of paragraph (a) of this section, it shall be assumed that:

(1) The critical engine is inoperative;

(2) The propeller of the inoperative engine is in the minimum drag position;

(3) The wing flaps and landing gear are in the most favorable positions;

(4) The operative engine or engines are operating at the maximum continuous power available;

(5) The aircraft is operating in the standard atmosphere;

(6) The weight of the aircraft is progressively reduced by the weight of the anticipated consumption of fuel and oil.

§ 40.65 *Landing distance limitations; airport of intended destination.* No take-off shall be made at a weight in excess of that which, allowing for the anticipated weight reduction due to consumption of fuel and oil, will permit the aircraft to be brought to a stop within 70 percent of the effective length of the most suitable runway at the airport of intended destination. In applying the requirements of this section:

(a) It shall be assumed that the landing is made in still air: *Provided*, That in the event the probable wind at the estimated time of landing would require the use of a runway other than the longest runway, account may be taken of not more than 50 percent of the probable wind component along the landing path if opposite to the direction of landing, and account shall be taken of not less than 150 percent of the probable wind component if in the direction of landing;

(b) It shall be assumed that the aircraft passes directly over the intersection of the obstruction clearance line and the runway at a height of 50 feet in a steady gliding approach at a true indicated air speed of at least 1.3 V_{so};

(c) It shall be assumed that the landing is made in such a manner that it does not require any exceptional degree of skill on the part of the pilot;

(d) It shall be assumed that the aircraft is operating in the standard atmosphere.

2. By amending SR–356 to read as follows:

Contrary provisions of the Civil Air Regulations notwithstanding, an airplane type certificated prior to July 1, 1942, may be used for the carriage of persons in scheduled or irregular air carrier service at a maximum landing weight not exceeding its maximum certificated take-off weight for passenger service: *Provided*, That such landing weight does not exceed the weight for which the structure has been substantiated in accordance with the structural requirements upon which the original certification was based: *Provided further*, That the airplane is operated in accordance with operating limitations established pursuant to §§ 40.62 through 40.65 of the Civil Air Regulations, as heretofore or hereafter amended, in the case of scheduled interstate air carriers, or §§ 42.80 through 42.83 of the Civil Air Regulations, as heretofore or hereafter amended, in the case of all other air carriers: *And provided further*, That if an air carrier operating in accordance with Part 41 of the Civil Air Regulations elects to operate aircraft under the provisions of this Special Civil Air Regulation, it shall be required that all of its aircraft of the same or related types be operated thereunder.

The authorization established by the provisions of this regulation shall continue in effect until superseded or rescinded.

These amendments are proposed under the authority to Title VI of the Civil

Aeronautics Act of 1938, as amended. The proposals may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 501–510; 62 Stat. 1216)

Dated: March 28, 1952, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 52-3796; Filed, Apr. 2, 1952; 8:50 a. m.

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 52-19]

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited below, the following approvals of equipment are prescribed and shall be effective for a period of five years from date of publication in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority, except Approval No. 160.008/501/0, which is further limited to the duration of the National Emergency and for six months thereafter:

LIFE PRESERVERS, FIBROUS GLASS, ADULT AND CHILD (JACKET TYPE)

Approval No. 160.005/7/0, Model 52 adult fibrous glass life preserver, U. S. C. G. Specification Subpart 160.005 manufactured by Victory Apparel Manufacturing Corp., 238–50 Passaic Street, Newark 4, N. J.

Approval No. 160.005/8/0, Model 56 child fibrous glass life preserver, U. S. C. G. Specification Subpart 160.005, manufactured by Victory Apparel Manufacturing Corp., 238–50 Passaic Street, Newark 4, N. J.

(R. S. 4405, 4417a, 4426, 4481, 4482, 4488, 4491, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 375, 391a, 404, 474, 475, 481, 489, 490, 396, 367, 526e, 526p, 1333, 50 U. S. C. 1275; 46 CFR 160.005)

BUOYANT CUSHIONS, KAPOK, STANDARD

NOTE: Cushions are approved for use on motorboats of classes A, 1, or 2, not carrying passengers for hire.

Approval No. 160.007/115/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Restwell Mattress Co., 234 West Kellogg Boulevard, St. Paul 2, Minn.

Approval No. 160.007/116/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Wood-Stream Outdoor Products, 200 East Ohio Street, Pittsburgh 12, Pa.

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 25.4–1, 160.007)

BUOYANT CUSHIONS, NON-STANDARD

NOTE: Cushions are approved for use on motorboats of classes A, 1, or 2, not carrying passengers for hire.

Approval No. 160.008/501/0, 15" x 15" x 2" rectangular buoyant cushion, 24-oz. Typha (processed cattail floss), dwg. dated January 21, 1952, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati, Ohio.

NOTE: Approved for the duration of the National Emergency and for six months thereafter or 5 years, whichever occurs first.

Approval No. 160.008/506/0, 14" x 18" x 2" rectangular buoyant cushion, 22-oz. kapok, American Pad & Textile Co. dwg. No. B–66 dated January 23, 1942, revised March 6, 1946, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Wood-Stream Outdoor Products, 200 East Ohio Street, Pittsburgh 12, Pa.

Approval No. 160.008/507/0, 15" x 16" x 2" rectangular buoyant cushion, 21-oz. kapok, dwg. No. 2–14–52, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 25.4–1, 160.008)

BUOYS, LIFE, RING, CORK OR BALSA WOOD

Approval No. 160.009/39/0, 30-inch balsa wood ring life buoy, dwg. No. 501, dated December 1, 1951, manufactured by Kamor Manufacturing Corp., 426 Great East Neck Road, West Babylon, N. Y.

(R. S. 4405, 4417a, 4426, 4482, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 475, 481, 489, 526e, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.4–1, 33.01–5, 33.40–1, 59.56, 60.49, 76.53, 94.53, 113.46, 160.009)

WINCHES, LIFEBOAT

Approval No. 160.015/27/1, Type B172N lifeboat winch. Approval is limited to mechanical components and for a maximum working load of 17,200 pounds pull at the drums (8,600 pounds per fall), identified by general arrangement dwg. No. 2114–N dated December 1, 1941, and revised August 29, 1951, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Supersedes Approval No. 160.015/27/0, published in the FEDERAL REGISTER, July 31, 1947.)

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 33.10–5, 59.3a, 60.21, 76.15a, 94.14a, 160.015)

DAVITS, LIFEBOATS

Approval No. 160.032/121/0, aluminum gravity davit, Type G165A, approved for maximum working load of 33,000 pounds per set (16,500 pounds per arm), using 2 part falls, identified by arrangement dwg. No. 3324–6, revised May 11, 1951, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 160.021)

LIFEBOATS

Approval No. 160.035/271/0, 22.0' x 6.75' x 2.92' steel, oar-propelled lifeboat, 25-person capacity, identified by construction and arrangement dwg. No. 22–1B dated October 16, 1950, and revised January 24, 1952, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

Approval No. 160.035/284/0, 16.0' x 5.5' x 2.38' aluminum, oar-propelled lifeboat, 12-person capacity, identified by construction and arrangement dwg. No. 16–3, dated October 17, 1951, and revised February 4, 1952, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 481, 489, 490, 1333, 50 U. S. C. 1275; 46 CFR 33.01–5, 59.13, 76.16, 94.15, 113.10, 160.035)

LINE-THROWING APPLIANCE, IMPULSE-PROJECTED ROCKET TYPE

Approval No. 160.040/1/1, Kilgore Towline Rocket Appliance Model GR 52 CK, impulse-projected rocket type line-throwing appliance, rocket assembly dwg. No. KM 1901 dated November 28, 1949, Rev. No. 3 dated September 15, 1950, buoyant rocket assembly dwg. No. KM 1906 dated April 10, 1950, Rev. No. 1 dated September 15, 1950, Cartridge assembly dwg. No. FXC–201 dated August 17, 1951, revision No. 1 dated February 14, 1952, appliance assembly dwg. No. KM 1911 dated November 28, 1949, Rev. No. 1 dated March 10, 1950, manufactured by Kilgore, Inc., International Flare-Signal Division, Westerville, Ohio. (Supersedes Approval No. 160.040/1/0 published in the FEDERAL REGISTER dated November 11, 1950.)

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 475, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 160.040)

LIGHTS (WATER): ELECTRIC, FLOATING, AUTOMATIC

Approval No. 161.001/6/0, automatic floating electric water light (with bracket for mounting), identified by dwg. No. 607, Alt. 1, manufactured by Pomill Manufacturing Corp., 17 Battery Place, New York, N. Y.

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 404, 481, 1333, 50 U. S. C. 1275; 46 CFR 161.001)

Dated: March 27, 1952.

[SEAL] A. C. RICHMOND, *Rear Admiral, U. S. Coast Guard, Acting Commandant.*

[F. R. Doc. 52-3800; Filed, Apr. 2, 1952; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Forest Service

UINTA NATIONAL FOREST

REMOVAL OF TRESPASSING HORSES

Whereas a number of horses are trespassing and grazing on the Wells Draw, Antelope Canyon, and Sowers Canyon drainages in the Uinta National Forest, Duchesne County, State of Utah; and

Whereas these horses are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the Act of June 4, 1897 (30 Stat. 35; 16 U. S. C. 551), and the Act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), the following order is issued for the occupancy, use, protection, and administration of land in the Wells Draw, Antelope Canyon, and Sowers Canyon drainages in the Uinta National Forest:

Temporary closure from livestock grazing. (a) The Wells Draw, Antelope Canyon, and Sowers Canyon drainages in the Uinta National Forest are hereby closed for the period April 1, 1952 to June 1, 1953, to the grazing of horses, excepting those that are lawfully grazing on or crossing land in such allotments pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons traveling over such land.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Uinta National Forest is located.

Done at Washington, D. C., this 28th day of March 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-3763; Filed, Apr. 2, 1952; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

CHAIRMAN OF THE CIVIL AERONAUTICS BOARD

DELEGATION OF AUTHORITY WITH RESPECT TO DISTRIBUTION AND REDISTRIBUTION OF CIVIL AIRCRAFT AMONG CIVIL AIR CARRIERS

There is hereby delegated to the Chairman of the Civil Aeronautics Board the authority conferred upon the Secretary of Commerce by section 301 (b) (2) of Executive Order 10219 and underlying authorities to formulate plans and programs for, initiate actions for, and carry out such distribution and redistribution of civil aircraft among the civil air carriers as may be necessary to assure the maintenance of essential civil routes and services after allocation of aircraft has been made to the Department of Defense.

In exercising the authority herein delegated, the Chairman of the Civil Aeronautics Board shall act only after consultation with the Defense Air Transportation Administrator so that the actions taken by the Chairman of the Civil Aeronautics Board under this notice will be taken with knowledge of the actions taken by the Defense Air Transportation Administrator under 16 F. R. 11511. The Defense Air Transportation Administrator shall effectuate the necessary coordination among Government agencies and the Defense Air Transportation Administration shall be the coordinating, rather than the action, agency for the functions herein delegated to the Chairman of the Civil Aeronautics Board.

This notice amends the notice appearing at 16 F. R. 11511 during the term of the delegation made herein.

This notice is effective March 26, 1952.

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 52-3777; Filed, Apr. 2, 1952; 8:49 a. m.]

Federal Maritime Board

PACIFIC TRANSPORT LINES, INC., ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 7846 between Pacific Transport Lines, Inc., Pacific Argentine-Brazil Line, Inc., and Pope & Talbot, Inc., covers the transportation of cargo under through bills of lading from the Far East to specified Puerto Rican Ports, with transhipment at San Francisco or Oakland, California.

Agreement No. 7839 between Ozean Linie G. m. b. H., and Hugo Stinnes O. H/"Brenntag", Brennstoff-, Chemikalien und Transport G. m. b. H. provides for the operation of joint cargo service (with limited passenger accommodations) under the trade name of Ozean/Stinnes-Lines between ports of the United States and ports of Europe.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 31, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 52-3822; Filed, Apr. 2, 1952; 8:53 a. m.]

POPE & TALBOT, INC., ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 7652-1 between Pope & Talbot, Inc., Pacific Argentine Brazil Line, Inc., Waterman Steamship Corporation and Naviera Dominicana C. por A., modifies transshipment Agreement No. 7652 by changing the basis for the through transportation charges and division of such charges. Agreement No. 7652 covers the transportation of cargo, other than lumber, poles, pilings or spars under through bills of lading from U. S. Pacific Coast ports to the Dominican Republic, with transshipment at San Juan, Puerto Rico.

Agreement 131-215 between the regular member lines of the Trans-Pacific Passenger Conference modifies the basic agreement of the conference (131) to more clearly define the geographical scope of the conference and to eliminate Malaysia from the scope of the conference.

Agreement No. 7834 between American Mail Line, Ltd., and Pope & Talbot, Inc. and Pacific Argentine Brazil Line, Inc., covers the transportation of cargo under through bills of lading from the Far East to specified Puerto Rican ports with transshipment at Seattle, Washington, or Portland, Oregon.

Agreement No. 7763-2, between Aktieselskapet Luksefjell, Aktieselskapet, Dovrefjell, Aktieselskapet Falkefjell and Aktieselskapet Rudolf, modifies the approval Fjell Line Joint Service Agreement (No. 7763) to include Iceland and all United Kingdom ports within the scope of the joint service and to provide that authority to sign conference and other agreements on behalf of the Joint Service may be conferred by the parties on other persons, firms or corporations besides those already given such authority under the agreement. Agreement 7763 provides for the operation of the joint service in the trade between ports of the Great Lakes of the United States and Canada, the St. Lawrence River, Nova Scotia, New Brunswick, and Newfoundland and Continental ports of Europe within the Bordeaux-Hamburg range and the port of London.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with requests for hearing should such hearing be desired.

Dated: March 31, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 52-3821; Filed, Apr. 2, 1952; 8:52 a. m.]

Office of International Trade

[Case No. 116]

DR. ALPHONSE WIEDERKEHR

ORDER DENYING EXPORT PRIVILEGES

In the matter of Dr. Alphonse Wiederkehr, Talstrasse, 16 Zurich, Switzerland, Respondent. Case No. 116.

This proceeding was begun by the issuance of a charging letter dated August 30, 1951, wherein the Office of International Trade charged the above-named respondent with having violated the Export Control Act of 1949, as amended, and the regulations issued thereunder.

The charging letter alleged that in January 1950, respondent ordered from an American oil company, thirty tons of cylinder oil, representing to said oil company that the ultimate destination of the cylinder oil would be Switzerland, with knowledge that this information would be used by the American oil company as exporter in the obtaining of a validated export license from the Office of International Trade. It was further alleged that said representation by respondent was false in that respondent knew and intended that said cylinder oil would be diverted by respondent to Hungary. It was further alleged that on the basis of the respondent's said representation the American oil company filed an application with the Office of International Trade for a validated license to export said cylinder oil to Switzerland and that under date of February 1, 1950, the Office of International Trade issued a validated license authorizing said exportation to Switzerland on reliance of respondent's said representation. It was further alleged that on or about February 10, 1950, the cylinder oil was exported from the United States under said validated license and that the respondent without prior notice to or authorization from the Office of International Trade diverted said cylinder oil to Hungary contrary to the terms of the said license.

Respondent's eligibility as a party to any validated export license or to any exportations effected thereunder was, by the terms of the charging letter, suspended pending the determination of the administrative compliance proceeding thereby instituted.

The respondent, after receiving the said charging letter and following discussions by him and his counsel with officials of the Office of International Trade and with the Compliance Commissioner, submitted to the Office of International Trade, with the advice and through his counsel, a statement in which he admitted for the limited purpose of this compliance proceeding, the charges set forth in said charging letter and a similar violation in connection with an earlier shipment of forty (40) tons of cylinder oil. In addition, the respondent has waived all right to a hearing on the charges and has consented to the entry of an order the terms of which are set forth below.

The charging letter, evidentiary material relating to the charges set forth therein, and the above-mentioned proposal for a consent order have been submitted to the Compliance Commissioner for review. Upon the basis of such review, and upon the informal presentation of the facts, including extenuating circumstances claimed by respondent at the conference with counsel for the Office of International Trade and counsel for said respondent, the Compliance Commissioner has found the terms and conditions of the proposed order as consented to by respondent to be fair and reasonable, and he has recommended that such order be issued.

The evidence and recommendations of the Compliance Commissioner have been carefully considered, together with the charging letter, the evidentiary material, the proposal for a consent order, and the fact that respondent has not since August 30, 1951, on the basis of a temporary suspension, engaged in trade involving exports from the United States. It appears therefrom that the Compliance Commissioner's findings are in accordance with the evidence and that such recommendations are reasonable and should be adopted.

Now, therefore, it is ordered as follows:

(1) Respondent is hereby denied and declared ineligible to exercise the privilege of participating directly or indirectly in any manner or capacity in the exportation of any commodity from the United States to any foreign destination, including Canada, until August 30, 1953, or the duration of United States export controls, whichever is shorter. Such denial of export privileges is deemed to include and prohibit participation directly or indirectly, (a) as a party or representative of a party to any export license application, (b) in the obtaining or using of general or validated licenses, (c) in the receiving of any exportation from the United States exported pursuant to any validated or general license and, (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

(2) Such denial of export privileges shall extend to any person, trade name, corporation or other business organization with which respondent may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith.

(3) No person, firm, corporation, or other business organization shall knowingly, (a) apply for or obtain any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation from the United States, to or for the respondent, or any person, firm, corporation, or other business organization covered by paragraph 2 hereinabove, or (b) order, receive, service, or otherwise act as a party or as a representative of a party to any exportation of commodities from the United States in such manner that the respondent or the person, firm, corporation, and business organization covered in paragraph 2 hereinabove, will directly or indirectly obtain any benefit therefrom, without prior disclosure of such facts to, and specific authorization from the Office of International Trade.

Dated: March 25, 1952.

JOHN C. BORTON,
Assistant Director
for Export Supply.

[F. R. Doc. 52-3779; Filed, Apr. 2, 1952; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3211]

NORTHWEST AIRLINES, INC.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Northwest Airlines, Inc., over its routes within the continental United States insofar as authorized under certificates for interstate air transportation and over its routes between the United States and terminal points in Canada.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing on the Order to Show Cause, E-5839, in the above-entitled proceeding is assigned to be held on April 8, 1952, at 9:30 a. m., e. s. t., in Room 5040, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., March 31, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-3795; Filed, Apr. 2, 1952; 8:50 a. m.]

[Docket No. 4924 et al.]

FLYING TIGER LINE, INC., AND RESORT AIRLINES, INC.; CHARTER FLIGHT TARIFF INVESTIGATION

NOTICE OF ORAL ARGUMENT

In the matter of charter rules, regulations, rates, and charges for the air transportation of persons and baggage proposed by the Flying Tiger Line, Inc., pursuant to its Official Passenger Charter Tariff No. 2, C. A. B. No. 23, and by Resort Airlines, Inc., contained in its Special Services Tariff No. 1, C. A. B. No. 9, and its Charter Tariff No. 3, C. A. B. No. 11.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on April 10, 1952, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., March 28, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-3798; Filed, Apr. 2, 1952; 8:51 a. m.]

[Docket No. 5067, et al.; Order Ser. No. E-6263]

RATES AND FARES BETWEEN OREGON AND WASHINGTON, AND FAIRBANKS AND ANCHORAGE, ALASKA

ORDER OF INVESTIGATION AND CONSOLIDATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of March 1952.

The Board is investigating certain rates and fares relating to air transportation between points in Oregon and Washington, on the one hand, and Fairbanks and Anchorage, Alaska, on the other, in Docket 5067. (Orders Serial Nos. E-5590, E-5591, E-5613, E-5752, E-5801, E-6215.)

The Board finds that:

(a) Prescription of a general rate order may be necessary to insure economic air transportation between Alaska and the Northwest States;

(b) The rates, fares and other provisions contained in the tariffs described in Appendix A may be unlawful for the reason, among others, that they may not show a proper balance between the cost of service, value of service and developmental factors required for a proper growth of air transportation between Alaska and the Northwest States;

(c) Proper disposition of Docket No. 5067 requires consideration of the issues presented by the tariffs described in Appendix A.

Therefore, acting pursuant to the Civil Aeronautics Act, particularly sections 205 (a); 403, 404, and 1002,

It is ordered, That:

(a) An investigation be instituted to determine whether the rates, fares and other provisions which apply from, to or between points in the States of Oregon and Washington, on the one hand, and Fairbanks and Anchorage, Alaska and points in the vicinity of these last two points, on the other, contained in Appendix A may be unjust or unreasonable, unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful rates, fares and other provisions;

(b) This proceeding be assigned for hearing before Examiner Paul N. Pfeiffer and that a prehearing conference be held at a time and place to be announced;

(c) This investigation be assigned Docket No. 5490 and be consolidated into Docket No. 5067;

(d) A copy of this order be served on all parties to Docket No. 5067, on those persons named in Appendix A and on Wien Alaska Airlines, Inc. and West Coast Airlines, Inc. (both participants in Agent R. C. Lounsbury's Local and Joint Air Cargo Tariff No. C-AC-5, C. A. B. No. 124), who are all made parties to this proceeding;

(e) This order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

APPENDIX A

All rates and other provisions in connection therewith which apply from, to or between points in the states of Oregon and Washington, on the one hand, and Fairbanks and Anchorage, Alaska, on the other, contained in:

Agent R. C. Lounsbury's, C. A. B. No. 124.
Air Transport Associates, Inc., C. A. B. No. 1.
All American Airways, Inc., C. A. B. No. 2.
American Air Export and Import Company, C. A. B. No. 2.
Arnold Air Service, Inc., C. A. B. No. 3.
Artic-Pacific, Inc., C. A. B. No. 3.
Aviation Corporation of Seattle, C. A. B. No. 1.
Coastal Cargo Co., Inc., C. A. B. No. 3.
General Airways, Inc., C. A. B. No. 4.
Miami Airline, Inc., C. A. B. No. 5.
New England Air Express, Inc., C. A. B. No. 1.
Pearson Alaska, Inc., C. A. B. No. 3.
Sourdough Air Transport, C. A. B. No. 2.
Standard Air Cargo, C. A. B. No. 3.
Trans-Alaskan Airlines, Inc., C. A. B. No. 3.
Transocean Air Lines, C. A. B. No. 2.

All fares and other provisions in connection therewith published for account of Air Transport Associates, Inc. from Seattle, Washington to Fairbanks and Anchorage, Alaska in Agent John J. Klak's C. A. B. No. 2.

[F. R. Doc. 52-3799; Filed, Apr. 2, 1952; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6412]

SIERRA PACIFIC POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SHORT-TERM NOTES

MARCH 28, 1952.

Notice is hereby given that on March 26, 1952, the Federal Power Commission issued its order entered March 25, 1952, authorizing issuance of short-term notes in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3749; Filed, Apr. 2, 1952; 8:46 a. m.]

[Docket No. G-1769]

PUBLIC SERVICE COMMISSION OF WISCONSIN

NOTICE OF ORDER TERMINATING PROCEEDINGS

MARCH 28, 1952.

Notice is hereby given that on March 25, 1952, the Federal Power Commission issued its order entered March 25, 1952, terminating proceeding in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3750; Filed, Apr. 2, 1952; 8:46 a. m.]

[Docket No. G-1834]

UNITED GAS PIPE LINE CO.

NOTICE OF ORDER PERMITTING WITHDRAWAL OF SUSPENDED RATE SCHEDULES AND TERMINATING PROCEEDING

MARCH 28, 1952.

Notice is hereby given that on March 26, 1952, the Federal Power Commission issued its order entered March 25, 1952, permitting withdrawal of suspended rate schedules and terminating proceeding without prejudice in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3751; Filed, Apr. 2, 1952; 8:46 a. m.]

[Docket No. G-1868]

CITIZENS GAS CO.

NOTICE OF CONTINUANCE OF HEARING

MARCH 28, 1952.

Upon consideration of request filed March 24, 1952, by Counsel for Citizens Gas Company, for continuance of hearing in the above designated matter;

Notice is hereby given that the hearing, in the above designated matter, now scheduled for April 4, 1952, be and it is hereby continued to May 1, 1952, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3748; Filed, Apr. 2, 1952; 8:46 a. m.]

[Docket No. G-1880]

UNITED GAS PIPE LINE CO.

ORDER FIXING DATE OF HEARING

MARCH 27, 1952.

On January 24, 1952, United Gas Pipe Line Company (Applicant) a Delaware corporation having its principal place of business at Shreveport, Louisiana, filed an application as supplemented on February 25, 1952, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of 35.9 miles of various size pipe line and appurtenant facilities to connect the Mustang Island (Red Fish Bay) gas field, San Patricio County, Texas, with Applicant's Refugio Compressor Station, Refugio County, Texas, to supply Applicant's general pipe-line system. Said application is on file with the Commission and open to public inspection.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. No protest or petition to intervene has been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on February 14, 1952 (17 F. R. 1445).

The Commission finds: This proceeding is a proper one for disposition under the provisions of said § 1.32 (b).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on April 18, 1952, at

9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application, as supplemented: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: March 28, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3753; Filed, Apr. 2, 1952; 8:47 a. m.]

[Docket No. G-1898]

TEXAS NORTHERN GAS CORP.

ORDER FIXING DATE OF HEARING

MARCH 28, 1952.

On February 27, 1952, Texas Northern Gas Corporation (Texas Northern), a Delaware corporation with its principal place of business in Lake Charles, Louisiana, filed an application, as amended March 4, 1952, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the sale of natural gas to Transcontinental Gas Pipe Line Corporation, subject to the jurisdiction of the Commission, as described in the application and amendment thereto on file with the Commission and open to public inspection.

Due notice of the filing of the application has been given, including publication in the FEDERAL REGISTER on March 18, 1952 (17 F. R. 2342).

Texas Northern's request for a temporary certificate authorizing the proposed sale was denied by telegram on March 19, 1952.

Texas Northern has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission finds: It is reasonable and in the public interest and good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held on April 7, 1952, at 9:45 a. m. in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington 25, D. C., concerning the matters involved and the issues presented by the application, as amended: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: March 28, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3752; Filed, Apr. 2, 1952; 8:46 a. m.]

[Docket No. E-6419]

POTOMAC LIGHT AND POWER CO. AND NORTHERN VIRGINIA POWER CO.

NOTICE OF APPLICATION

MARCH 28, 1952.

Take notice that on March 26, 1952, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by the Potomac Light and Power Company (hereinafter called "PL&P") a corporation organized under the laws of the State of West Virginia and doing business in said state with its principal business office at Martinsburg, West Virginia, seeking an order authorizing the merger or consolidation of its facilities with the facilities in West Virginia of Northern Virginia Power Company (hereinafter called "Northern Virginia") a corporation organized under the laws of the State of Virginia with its principal business office at Winchester, Virginia. PL&P proposes to issue to The Potomac Edison Company 28,601 additional shares of its Common Stock, par value $100 per share; Northern Virginia proposes to convey to PL&P all of its properties located in the State of West Virginia; The Potomac Edison Company proposes to surrender to Northern Virginia, for cancellation and retirement, 1,500 shares of Northern Virginia Preferred Stock, par value $100 per share (being all of such Preferred Stock outstanding), and 27,101 shares of Northern Virginia Common Stock, par value $100 per share; and Northern Virginia proposes to reduce its outstanding Capital Stock by retiring the shares so surrendered. The number of shares of Common Stock of PL&P issued to The Potomac Edison Company and the number of shares of Northern Virginia Common Stock surrendered to Northern Virginia by The Potomac Edison Company are each to be adjusted to equal the depreciated book value, after deduction for contributions in aid of construction, the Northern Virginia properties proposed to be conveyed to PL&P, as of the closing date of said conveyance; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 18th day of April, 1952, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3745; Filed, Apr. 2, 1952; 8:45 a. m.]

[Docket No. E-6420]

SOUTH PENN POWER CO. AND FRANKLIN TRANSMISSION CO.

NOTICE OF APPLICATION

MARCH 28, 1952.

Take notice that on March 26, 1952, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act by South Penn Power Company (hereinafter called "South Penn"), a corporation organized under the laws of the State of Pennsylvania and doing business in said state with its principal business office at Waynesboro, Pennsylvania, seeking an order authorizing the merger or consolidation of its facilities with those of Franklin Transmission Company (hereinafter called "Franklin"), a corporation organized under the laws of the State of Pennsylvania and doing business in said state with its principal business office at Waynesboro, Pennsylvania. Franklin will declare and pay a dividend on its Capital Stock (payable to The Potomac Edison Company as its sole stockholder) in an amount equal to its earned surplus at the close of the calendar month preceding the closing date; South Penn proposes to issue to The Potomac Edison Company 54,200 additional shares of South Penn's Capital Stock, without nominal or par value representing an aggregate stated capital of $271,000, in exchange for 10,840 shares of the Capital Stock, par value $25 per share of Franklin, being all of the outstanding shares thereof; Franklin proposes to transfer all of its assets to South Penn in exchange for all of Franklin's outstanding Capital Stock, South Penn to assume and discharge all debts and liabilities of Franklin as they become due and dischargeable; and Franklin will thereupon cease to exist and its capital stock will be cancelled. The proposed plan for merger or consolidation of facilities includes all the operating facilities of South Penn and all the operating facilities of Franklin; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 18th day of April 1952, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3747; Filed, Apr. 2, 1952; 8:46 a. m.]

[Docket No. G-1757]

NATURAL GAS STORAGE CO. OF ILLINOIS

NOTICE OF AMENDED APPLICATION

MARCH 28, 1952.

Take notice that Natural Gas Storage Company of Illinois (Applicant), an Illinois corporation, successor by merger to Natural Gas Storage Company of Illinois, a Delaware corporation, having its principal place of business at 20 North Wacker Drive, Chicago 6, Illinois, filed on March 12, 1952, its First Amended application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction or acquisition, and operation of facilities for underground storage of natural gas as hereinafter described and as more fully described in the amended application.

Applicant's original application was filed with the Commission on August 7, 1951. Notice of said original application was published in the FEDERAL REGISTER on August 24, 1951 (16 F. R. 8562).

Applicant now proposes to construct or acquire, and operate the following generally described facilities in Illinois:

(1) 25 injection and delivery wells;

(2) Storage rights in approximately 15,000 acres;

(3) Approximately 16.7 miles of 30-inch pipeline extending from the proposed storage area to a connection with the main pipeline of Texas Illinois Natural Gas Pipeline Company (Texas Illinois), together wth the right-of-way therefor;

(4) One (1) compressor station with a total of 10,000 horsepower capacity installed;

(5) A dehydration plant;

(6) Approximately 7.25 miles of well lines located within the storage area proposed;

(7) 25 well meters;

(8) One (1) main storage meter;

(9) A communication system;

together with other auxiliary and appurtenant facilities necessary for the operation of the proposed storage project.

Applicant now proposes to store natural gas for the account of Texas Illinois and Natural Gas Pipeline Company of America (Natural), and to redeliver the same gas for ultimate consumption in the areas served and to be served by the transmission systems of Texas Illinois and Natural. For the present, Applicant proposes to store only such natural gas as will be transported by Texas Illinois. It is Applicant's intention to make the stored gas available to customers of Texas Illinois directly and to Natural's customers by displacement. Applicant, Texas Illinois and Natural are affiliated companies.

The amended application states that the 25 wells for the injection and delivery of gas represents an initial proposal; that the 16.7 miles of 30-inch line to be built will be used during the initial period to transport gas to storage during the summer and from storage during the winter. It is also stated that the 10,000 horsepower capacity to be initially installed in the proposed compressor will later be increased to 32,000 horsepower.

The application further recites that it is estimated that as much as 1,500,000 Mcf of gas per day will ultimately be delivered from storage during peak periods.

The estimated over-all cost of the facilities which are the subject of this application is approximately $17,000,000. The preliminary activities in connection with the proposed project will be financed by Natural to the extent of $2,000,000 through the purchase of Applicant's capital stock in that amount. No financial commitments have been made by Applicant as to the remainder of the funds required.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 16th day of April 1952. The amended application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3744; Filed, Apr. 2, 1952; 8:45 a. m.]

[Docket No. G-1915]

SOUTH GEORGIA NATURAL GAS CO.

NOTICE OF APPLICATION

MARCH 28, 1952.

Take notice that South Georgia Natural Gas Company (Applicant), a Georgia corporation with its principal business office at Birmingham, Alabama, filed on March 14, 1952, an application pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of approximately 339.3 miles of pipe line, including lateral pipe lines, from a point of interconnection with the pipe-line system of Southern Natural Gas Company in Lee County, Alabama, to Tallahasee, Florida.

By means of the above-described facilities, Applicant proposes to sell and deliver natural gas for sale to the following communities: Albany, Americus, Bainbridge, Cairo, Camilla, Cordele, Dawson, Moultrie, Pelham, Richland and Thomasville (in Georgia), and Havana, Quincy, and Tallahasee (in Florida). Applicant proposes to make direct industrial sales. The system is designed to deliver 45,000 Mcf per day without compression. Applicant's peak day deliveries for the first two years of operation are estimated at 19,500 Mcf.

The estimated over-all cost of construction is $8,273,064 to be financed by the sale of first mortgage bonds and junior securities.

Protest of petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 16th day of April 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-3746; Filed, Apr. 2, 1952; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26923]

BRICK AND RELATED ARTICLES FROM POINTS IN KANSAS AND MISSOURI TO KENTUCKY AND TENNESSEE

APPLICATION FOR RELIEF

MARCH 31, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3589.

Commodities involved: Brick and related articles, carloads.

From: Fort Scott, Kans., and other specified points in Kansas, Deepwater, Harrisonville, and Utica, Mo.

To: Points in Kentucky and Tennessee.

Grounds for relief: Competition with rail carriers and to maintain grouping.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3589, Supp. 138.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3767; Filed, Apr. 2, 1952; 8:48 a. m.]

[4th Sec. Application 26924]

INSULATORS AND ELECTRIC WIRE FROM CAREY OHIO, TO ATLANTA, GA.

APPLICATION FOR RELIEF

MARCH 31, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4300, pursuant to fourth-section order No. 9800.

Commodities involved: Insulators, electric wire, NOIBN, carloads.

From: Carey, Ohio.

To: Atlanta, Ga.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3768; Filed, Apr. 2, 1952; 8:48 a. m.]

[4th Sec. Application 26925]

IRON AND STEEL ARTICLES FROM TRUNK-LINE AND CENTRAL TERRITORIES TO KEVIL AND MAXON, KY.

APPLICATION FOR RELIEF

MARCH 31, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and L. C. Schuldt, Agents, for carriers parties to their respective tariffs I. C. C. Nos. A-790 and 3772.

Commodities involved: Manufactured iron and steel articles, carloads.

From: Points in trunk-line and central territories.

To: Kevil and Maxon, Ky.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-790, Supp. 102. L. C. Schuldt's tariff I. C. C. No. 3772, Supp. 120.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-3769; Filed, Apr. 2, 1952; 8:48 a. m.]

[Rev. S. O. 876, General Permit 1-L, Amdt. 2]

LUMBER SHAPES, LAMINATED OR NOT LAMINATED, PRECUT TO SHAPE

LOADING REQUIREMENTS

Pursuant to the authority vested in me in Paragraph (d) of Revised Service Order No. 876 (16 F. R. 3620, 4276), good cause appearing therefor: *It is ordered,* That:

General Permit No. 1-L is hereby amended by substituting the following paragraph for the third paragraph thereof:

This General Permit shall expire at 11:59 p. m., August 31, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 31, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 31st day of March 1952.

HOWARD S. KLINE, *Permit Agent.*

[F. R. Doc. 52-3770; Filed, Apr. 2, 1952; 8:48 a. m.]

[Rev. S. O. 876, General Permit 2-L, Amdt. 2]

DRESSED NATIVE LUMBER, MILLWORK, AND LUMBER PRODUCTS

LOADING REQUIREMENTS

Pursuant to the authority vested in me in Paragraph (d) of Revised Service Order No. 876 (16 F. R. 3620, 4276), good cause appearing therefor: *It is ordered,* That:

General Permit No. 2-L is hereby amended by substituting the following paragraph for the third paragraph thereof:

This General Permit shall expire at 11:59 p. m., August 31, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 31, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 31st day of March 1952.

HOWARD S. KLINE, *Permit Agent.*

[F. R. Doc. 52-3771; Filed, Apr. 2, 1952; 8:48 a. m.]

[Rev. S. O. 876, General Permit 3-L, Amdt. 2]

LUMBER AND LUMBER PRODUCTS

LOADING REQUIREMENTS

Pursuant to the authority vested in me in Paragraph (d) of Revised Service Order No. 876 (16 F. R. 3620, 4276), good cause appearing therefor: *It is ordered,* That:

General Permit No. 3-L is hereby amended by substituting the following paragraph for the third paragraph thereof:

This General Permit shall expire at 11:59 p. m., August 31, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 31, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 31st day of March 1952.

HOWARD S. KLINE, *Permit Agent.*

[F. R. Doc. 52-3772; Filed, Apr. 2, 1952; 8:48 a. m.]

[Rev. S. O. 876, General Permit 4-L, Amdt. 2]

PLYWOOD

LOADING REQUIREMENTS

Pursuant to the authority vested in me in Paragraph (d) of Revised Service Order No. 876 (16 F. R. 3620, 4276), good cause appearing therefor: *It is ordered,* That:

General Permit No. 4-L is hereby amended by substituting the following

paragraphs for the second and third paragraphs thereof:

The waybills shall show reference to this General Permit, and all consignors shipping cars under this Permit shall furnish the Permit Agent the car numbers, initials, weights, and destinations of the cars shipped under this Permit.

This General Permit shall expire at 11:59 p. m., August 31, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 31, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 31st day of March 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3773; Filed, Apr. 2, 1952; 8:48 a. m.]

[Rev. S. O. 876, General Permit 5-L, Amdt. 2]

RED CEDAR SHINGLES, SHAKES, AND/OR RED CEDAR LUMBER

LOADING REQUIREMENTS

Pursuant to the authority vested in me in Paragraph (d) of Revised Service Order No. 876 (16 F. R. 3620, 4276), good cause appearing therefor: *It is ordered*, That:

General Permit No. 5-L is hereby amended by substituting the following paragraph for the third paragraph thereof:

This General Permit shall expire at 11:59 p. m., August 31, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 31, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 31st day of March 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3774; Filed, Apr. 2, 1952; 8:49 a. m.]

[Rev. S. O. 876, General Permit 6-L, Amdt. 2]

WOOD FLOORING

LOADING REQUIREMENTS

Pursuant to the authority vested in me in Paragraph (d) of Revised Service Order No. 876 (16 F. R. 3620, 4276), good cause appearing therefor: *It is ordered*, That:

General Permit No. 6-L is hereby amended by substituting the following paragraph for the third paragraph thereof:

This General Permit shall expire at 11:59 p. m., August 31, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 31, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 31st day of March 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3775; Filed, Apr. 2, 1952; 8:49 a. m.]

[Rev. S. O. 876, General Permit 7-L, Amdt. 2]

LUMBER AND LUMBER PRODUCTS

LOADING REQUIREMENTS

Pursuant to the authority vested in me in Paragraph (d) of Revised Service Order No. 876 (16 F. R. 3620, 4276), good cause appearing therefor: *It is ordered*, That:

General Permit No. 7-L is hereby amended by substituting the following paragraph for the third paragraph thereof:

This General Permit shall expire at 11:59 p. m., August 31, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 11:59 p. m., March 31, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 31st day of March 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-3776; Filed, Apr. 2, 1952; 8:49 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[RC 39, No. 366]

ROCKDALE, TEX., AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

MARCH 31, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Rockdale, Texas, Area. (The area consists of the County of Milam, Texas.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
C. E. WILSON,
Director of Defense Mobilization.

[F. R. Doc. 52-3843; Filed, Apr. 1, 1952; 3:30 p. m.]

[CDHA 45]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

MARCH 31, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Public Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Harlingen, Texas Area. (The area consists of Justice Precincts 3, 4, 6 and 7 in Cameron County, and Justice Precinct 1 in Hidalgo County, Texas.)

C. E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-3844; Filed, Apr. 1, 1952; 3:30 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-164]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

NOTICE OF APPLICATION FOR LEAVE TO RENEW BANK LOAN

MARCH 28, 1952.

Notice is hereby given that Bartholomew A. Brickley, Trustee of International Hydro-Electric System ("IHES"), a registered holding company, has filed an application in the proceedings now pending under section 11 (d) of the Public Utility Holding Company Act of 1935 ("the act") for the liquidation and dissolution of IHES, pursuant to the Commission's dissolution order entered on July 21, 1942, under section 11 (b) (2) of the act; which application states as follows:

That, in order to obtain part of the funds required for the discharge of the 6 percent debentures of IHES and pursuant to authorization by this Commission (Holding Company Act Release No. 9917) and by the United States District Court for the District of Massachusetts ("enforcement court"), the Trustee on July 27, 1950, borrowed $9,500,000 from The Chase National Bank of the City of New York, evidenced by a promissory note secured by lien on the major portfolio assets of IHES, due two years from said date with interest at the rate of 2¼ percent per annum; that the loan agreement requires application of at least 60 percent of the net income of IHES toward satisfaction of the principal amount due; that the unpaid principal amount is now $7,000,000; that under the loan agreement the Trustee is granted an option to renew on the same terms for one additional year the amount remaining unpaid at maturity.

The Trustee further states that, as now appears, IHES will not have sufficient funds available to pay in full the unpaid principal amount of the loan on or before it matures on July 27, 1952, and he requests authorization, subject to the further approval of the enforcement court, to renew and extend for one additional year from said date the principal amount then remaining unpaid.

Notice is further given that any interested person may, not later than April 7, 1952 at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issue of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application may be granted as filed or as amended, or the Commission may exempt such transaction as provided in Rule U-20 (a) or Rule U-100 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 52-3756; Filed, Apr. 2, 1952; 8:47 a. m.]

[File No. 70-2820]

LOWELL ELECTRIC LIGHT CORP.

ORDER AUTHORIZING PROPOSED NOTE ISSUES

MARCH 28, 1952.

The Lowell Electric Light Corporation ("Lowell"), a public-utility subsidiary company of New England Electric System, a registered holding company, has filed a declaration pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 and Rules U-23 and U-42 (b) (2) thereunder in respect of the following proposed transactions:

Lowell presently has outstanding $2,700,000 principal amount of promissory notes under a bank loan agreement with five banks, namely, The First National Bank of Boston ($1,485,000), The Chase National Bank of the City of New York ($351,000), The Hanover Bank ($351,000), Irving Trust Company ($351,000) and The New York Trust Company ($162,000). The notes presently outstanding bear interest at the rate of 2¾ percent per annum and mature April 1, 1952. In its declaration Lowell proposes to issue to said banks on April 1, 1952, six months unsecured promissory notes in the same principal amount ($2,700,000) as the notes maturing on that date. The notes proposed to be issued will mature October 1, 1952, and will bear interest at the prime interest rate in Boston on April 1, 1952. It is stated in the declaration that at the present time said prime interest rate is 3 percent per annum. It is further stated that in the event said prime interest rate should exceed 3¼ percent per annum, Lowell will file an amendment to its declaration setting forth therein the terms of the note proposed to be issued and the proposed rate of interest, at least five days prior to the date of execution and delivery of said note and Lowell requests that unless the Commission notifies it to the contrary within said five day period, the amendment shall become effective at the end of such period. The declaration further states that the notes proposed to be issued may be prepaid, in whole or in part.

According to the declaration, the proceeds of the notes proposed to be issued are to be used to pay the $2,700,000 principal amount of notes due April 1, 1952. Lowell expects that during the year 1952 it will permanently finance its note indebtedness through the issuance of first mortgage bonds in the approximate principal amount of $3,000,000. Lowell further proposes that the proceeds of any permanent financing done before the maturity of the notes to be issued will be applied in reduction of, or in total payment of, notes then outstanding.

The declaration further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions, and that incidental services in connection with the proposed transactions will be performed at cost by New England Power Service Company, an affiliated company, such cost being estimated not to exceed $500.

Lowell requests that the Commission's order herein become effective forthwith upon the issuance thereof.

Notice of the filing of the declaration having been given in the manner and form provided by Rule U-23 of the rules and regulations promulgated under the act, and a hearing not having been requested and the Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and hereby is, permitted to become effective, subject to the terms and conditions prescribed in Rule U-24, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 52-3754; Filed, Apr. 2, 1952; 8:47 a. m.]

[File No. 70-2821]

LAWRENCE GAS AND ELECTRIC CO.

ORDER AUTHORIZING PROPOSED NOTE ISSUES

MARCH 28, 1952.

Lawrence Gas and Electric Company ("Lawrence"), a public-utility subsidiary company of New England Electric System, a registered holding company, has filed a declaration pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 and Rules U-23 and U-42 (b) (2) thereunder in respect of the following proposed transactions:

Lawrence presently has outstanding unsecured promissory notes in the aggregate face amount of $1,350,000 under a bank loan agreement with five banks, namely, The First National Bank of Boston ($742,500), The Chase National Bank of the City of New York ($175,500), The Hanover Bank ($175,500), Irving Trust Company ($175,500) and The New York Trust Company ($81,000). All of said notes mature April 1, 1952 and $400,000 principal amount thereof bear interest at the rate of 2½ percent per annum and the balance, $950,000, bear interest at 2¾ percent per annum. Lawrence proposes to issue under an amendment to its bank loan agreement, $2,250,000 principal amount of unsecured promissory notes maturing March 1,

1953, of which $1,350,000 principal amount will be issued on April 1, 1952, to pay off the notes presently outstanding in a like principal amount and the remaining amount of notes, $900,000, will be issued, from time to time but not later than December 31, 1952, to finance temporarily its construction and gas conversion program. The $1,350,000 principal amount of notes will bear interest to October 1, 1952, at the prime six month commercial rate generally charged by banks in Boston on April 1, 1952, but not less than 3 percent per annum nor more than 3¼ percent per annum and said notes will bear interest from October 1, 1952, to March 1, 1953, at the prime rate in effect on October 1, 1952, but not less than 3 percent per annum nor more than 3½ percent per annum. That portion of the $900,000 principal amount of proposed additional notes issued prior to October 1, 1952, will bear interest to that date at the prime rate in effect five days prior to the issue date, but not less than 3 percent per annum nor more than 3¼ percent per annum and thereafter at the prime rate in effect on that date, but not less than 3 percent per annum nor more than 3½ percent per annum. That portion of the $900,000 principal amount of additional notes issued after October 1, 1952 will bear interest at the prime rate in effect 5 days prior to the issue date, but not less than 3 percent per annum nor more than 3½ percent per annum. The amended bank loan agreement provides for a commitment commission of one-fourth percent per annum to be payable from April 1, 1952, to December 31, 1952, on the average daily unborrowed balance.

The declaration further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions and that incidental services in connection with said transactions will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $1,000. The proposed bank loan agreement provides that Lawrence will reimburse The First National Bank of Boston, as Agent for the five lending banks, for out-of-pocket expenses, including counsel fees incurred in connection with the bank loan agreement, such amount being believed to be nominal. Other expenses, including the printing of the bank loan agreement, are estimated not to exceed $100.

According to the declaration, Lawrence expects during the year 1952 to finance permanently its note indebtedness through the issuance of gas conversion notes in the approximate principal amount of $700,000 and of first mortgage bonds in the approximate principal amount of $1,500,000. Lawrence proposes that the proceeds of any permanent financing done before the maturity date of the notes proposed to be issued will be applied in reduction of, or in total payment of, notes then outstanding and the amount of notes, if any, then unissued but authorized pursuant to any order of this Commission, will be reduced by the amount, if any, by which such permanent financing exceeds the notes at the time outstanding.

Lawrence requests that the Commission's order herein become effective forthwith upon issuance.

Notice of the filing of the declaration having been given in the manner and form provided by Rule U-23 of the rules and regulations promulgated under the act, and a hearing not having been requested nor ordered by the Commission within the time specified in said notice; and the Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and hereby is, permitted to become effective, subject to the terms and conditions prescribed in Rule U-24, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-3757; Filed, Apr. 2, 1952; 8:47 a. m.]

[File No. 70-2634]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

NOTICE OF REQUEST FOR AUTHORIZATION TO AMEND ARTICLES OF AGREEMENT AND BY-LAWS WITH RESPECT TO PREEMPTIVE RIGHTS AND QUORUM REQUIREMENTS; AND SOLICITATION OF STOCKHOLDERS

MARCH 28, 1952.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), by Public Service Company of New Hampshire ("New Hampshire"), a public utility subsidiary of New England Public Service Company, a registered holding company. Declarant has designated sections 6 (a) (2), 7 and 12 (e) of the act and Rules U-60, U-61, and U-62 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than April 8, 1952, at 5:30 p. m., e. s. t. request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 8, 1952, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

New Hampshire proposes to solicit proxies to be used at its annual meeting of stockholders to be held May 8, 1952, or any adjournment thereof, in connection with the following proposals:

(1) To amend its Articles of Agreement to provide that each future issue of common stock or of warrants representing rights to subscribe to common stock or of securities convertible into common stock, which the Board of Directors shall have determined to offer for cash other than by a public offering or to or through underwriters or investment bankers who have agreed promptly to make a public offering thereof, shall first be offered pro rata to the holders of the then outstanding common stock;

(2) To amend its By-Laws by changing the requirements for a quorum at meetings of stockholders to a majority of the shares of stock outstanding and entitled to vote at the meeting in each case where one-third of such shares is now required.

The solicitation material to be sent to stockholders has been filed as a part of the declaration. The declaration states that the favorable vote of the holders of two-thirds of the common stock present or represented by proxy and voting at the meeting is required for adoption of the amendment relating to preemptive rights and that the favorable vote of a majority of such stock so present or represented and voting is required for adoption of the amendment relating to quorum requirements. It is represented that New England Public Service Company, holder of 41.9 percent of the outstanding common stock of New Hampshire, will vote in favor of the adoption of these proposals.

New Hampshire also proposes to solicit proxies to be used at such annual meeting, or any adjournment thereof, in connection with a proposal to fix the dividend rate for an additional series of Preferred Stock, $100 par value, not exceeding 58,000 shares, and to fix the premium which the holders of shares of such series shall be entitled to receive in the event of any voluntary liquidation, dissolution or winding up of the affairs of the company, and upon redemption and retirement of the whole or any part of such new series.

The declaration states that, under the Articles of Agreement, a vote of the holders of two-thirds of those outstanding shares of common stock which are present or represented by proxy and voting at a meeting duly called for the purpose shall be required to fix the dividend rate and premium payable upon voluntary liquidation of the company or upon redemption of the whole or any part of a new series of the Preferred Stock, $100 par value. It is also stated that it is the intention of the persons named as proxies to vote to fix the dividend rate of the new Preferred Stock and the redemption and voluntary liquidation premium payable thereon in accordance with the recommendations of the Board of Directors of the company.

The declaration further states that the company believes that it may be desirable to issue and sell for cash during

May or June 1952 a new series of its Preferred Stock, $100 par value, which will be filed at a later date.

It is represented that the company may, in addition to solicitation by mail and by regular employees or officers of the company, request banks and brokers to solicit beneficial owners, the cost of which is estimated not to exceed $100.

Declarant requests acceleration of the Commission's order herein and that it become effective upon the issuance thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 52-3755; Filed, Apr. 2, 1952; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18812]

NOBORU AND MRS. TOSHIKO KAWASHIMA

In re: Rights of Noboru Kawashima and of Mrs. Toshiko Kawashima under Insurance Contracts. File Nos. D-39-6587-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Noboru Kawashima and Mrs. Toshiko Kawashima, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies numbered 1,486,864 and 1,585,608 issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid Sun Life Assurance Company of Canada, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Noboru Kawashima or Mrs. Toshiko Kawashima, the aforesaid nationals of a desingated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 28, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3789; Filed, Apr. 2, 1952; 8:49 a. m.]

[Vesting Order 18813]

NOBORU AND MRS. TOSHIKO KAWASHIMA

In re: Rights of Mrs. Toshiko Kawashima and of Noboru Kawashima under Insurance Contract. File No. F-39-6121-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Toshiko Kawashima and Noboru Kawashima, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1,448,615 issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Mrs. Toshiko Kawashima or Noboru Kawashima, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 28, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3790; Filed, Apr. 2, 1952; 8:49 a. m.]

[Vesting Order 18811]

RIICHIRO HORI

In re: Rights of Riichiro Hori under Insurance Contract. File No. F-39-2499-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Riichiro Hori, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 2146,470 issued by The Equitable Life Assurance Society of the United States, New York, New York, to Riichiro Hori, together with the right to demand, receive and collect said net proceeds, is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Riichiro Hori, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 28, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-3788; Filed, Apr. 2, 1952; 8:49 a. m.]